

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 5th December 2016

**REPORT OF THE HEAD OF PLANNING
AND STRATEGIC HOUSING**



**WEST OXFORDSHIRE
DISTRICT COUNCIL**

Purpose:

To consider applications for development details of which are set out in the following pages.

Recommendations:

To determine the applications in accordance with the recommendations of the Strategic Director. The recommendations contained in the following pages are all subject to amendments in the light of observations received between the preparation of the reports etc and the date of the meeting.

List of Background Papers

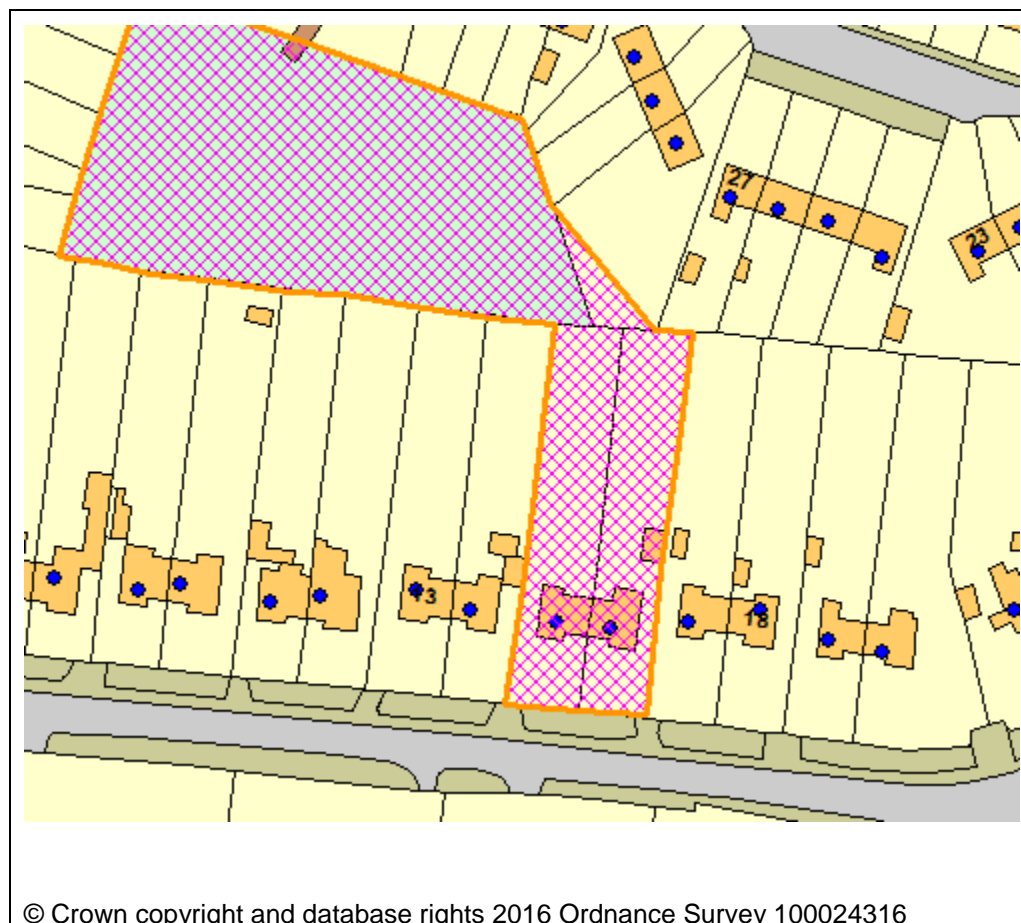
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

Please note that observations received after the reports in this schedule were prepared will be summarised in a document which will be published late on the last working day before the meeting and available at the meeting or from www.westoxon.gov.uk/meetings

Application Number	Address	Page No
16/02306/FUL	<u>Land Rear Of 15 And 16 Woodstock Road, Charlbury</u>	3
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16/02793/FUL	<u>18 Maple Way, Ascott Under Wychwood</u>	30
16/03115/FUL	<u>19 Market Place, Chipping Norton</u>	46
16/03411/FUL	<u>Alfred Groves And Sons Ltd, Groves Business Centre, Shipton Road, Milton under Wychwood</u>	57
16/03659/S73	<u>Fardon House, Frog Lane, Milton under Wychwood</u>	67

Application Number	16/02306/FUL
Site Address	Land Rear Of 15 And 16 Woodstock Road Charlbury Oxfordshire
Date	23rd November 2016
Officer	Abby Fettes
Officer Recommendations	Approve subject to Legal Agreement
Parish	Charlbury Parish Council
Grid Reference	436149 E 218823 N
Committee Date	5th December 2016

Location Map



Application Details:

Demolition of 2 semi detached properties to facilitate a new vehicular site access, development of 9, no. two bedroom houses and 4 no. two bedroom bungalows with associated car parking and landscaping.

Applicant Details:

Mr Will Munro
Cottsway House
Heynes Place
Avenue 2
Witney
OX28 4YG
Oxon

I CONSULTATIONS

- | | | |
|-----|----------------------------------|--|
| I.1 | Town Council | 1 TC welcome smaller units
2 Loss of amenity play area regrettable
3 Impact on neighbours needs careful consideration
4 Is parking sufficient?
5 Design of properties needs to reflect Woodstock Road street scene
6 Is the footpath link to Sturt Close sufficiently wide for pedestrians and cyclists?
7 The introduction of a new road on the slope down to Woodstock Road could cause increased water run off and this is of particular concern of existing residents.
8 Primary school close to capacity, this will put further pressure on school
9 Road safety on Woodstock Road is of concern as limited visibility from access
10 Can application go to committee and have a site visit
11 Recommend alternative options be considered with access from Sturt Close and incorporating a play area (suggested to Cottsway)
12 Can neighbour comments be carefully considered?
13 Strongly recommend applicants enter into community engagement |
| I.2 | Parish Council | No comments received on amended plans |
| I.3 | ERS Env Health – Uplands | No objection |
| I.4 | WODC Architect | No objection |
| I.5 | Major Planning Applications Team | Highways - No objection subject to conditions
Archaeology - No objection
Education - No objection (Based on the unit mix stated in the application, this proposed development has been estimated to generate 2.60 primary pupils and 1.30 secondary pupils)
Property - OCC is not seeking contributions from this development |
| I.6 | WODC - Arts | No Comment Received. |
| I.7 | WODC - Sports | No Comment Received. |

- | | | |
|------|---|--|
| I.8 | Thames Water | No objection subject to conditions and informatives |
| I.9 | WODC Env Services – Waste Officer | No Comment Received. |
| I.10 | Ecologist | <p>I recommend that the reptile survey of the site should be carried out and submitted before determination of this application to provide sufficient information on protected species in accordance with the National Planning Policy Framework, policies NE13 and NE15 of the West Oxfordshire Local Plan 2011. It would also comply with Chapter 13 of the West Oxfordshire Design Guide. The survey would inform the mitigation and/or compensation measures required for reptiles found at the site, including the possible need to translocate reptiles to a suitable receptor site if mitigation cannot be provided on site.</p> <p>NB a survey has been received and awaiting revised ecology comments</p> |
| I.11 | WODC Landscape And Forestry Officer | No Comment Received. |
| I.12 | Natural England | This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. |
| I.13 | TV Police - Crime Prevention Design Advisor | No Comment Received. |
| I.14 | WODC Head Of Housing | <p>There 78 households who would qualify for the proposed dwellings, were they available today. Of these 8 have a local connection to Charlbury.</p> <p>The scheme mix enables the reprovision of the two dwellings demolished to make access, it responds to a need for older persons or wheelchair accessible housing and delivers a further net two family homes for four person households.</p> <p>Given all of the above I feel able to support this proposal for affordable housing in Charlbury.</p> |
| I.15 | County Playing Fields Association | <p>Having made these statements which are important points of principle for us, we fully recognise the intense pressure on the Council to find ways of improving the availability of suitable and affordable housing to meet the needs of local residents in Charlbury and more widely across the District. We can see that this will mean that this planning application in particular will not be an easy or straightforward one for you to consider and that there are likely to be conflicting issues for you to take into account.</p> |

We commend the Council's statements of commitment in its

previous Local Plan 2011 and its Draft Local Plan 2011 - 2031 to resisting the loss or erosion of open space and community facilities unless they will be adequately replaced. We understand from the Council's website that all policies and proposals in the Local Plan 2011 are 'saved' beyond June 2009 other than Policies NE8, NE9, T5 and T7 and Proposals 2, 6, 13 and 14. We hope this means that Policy TLC5 - Existing Outdoor Recreational Space still stands until the new Local Plan is approved. We welcome the stated principle in Policy TLC5 that development proposals should not result in the loss of existing recreational open space "unless there is clear evidence that now, and in the future, the land will no longer be needed for its current purpose or for recreational uses by the wider community."

The latter planning policy statement leads us to request strongly that, if your Council feels it should consider this site for use for housing rather than reject this suggestion in the light of the above policies for the protection of open space, it should do so only having ensured that there has been a thorough survey of local opinion on the present and future value of the site as an outdoor recreational space, if it could be re-instated and maintained as such in a condition which would attract and support active use. We would be happy to contribute some advice on this, if this would be helpful.

If having taken all this into account, the Council is minded to approve a proposal to develop this site for housing, the Council should insist that any approved proposal includes adequate provision for children's outdoor playing space in line with Field in Trust recommendations.

2 REPRESENTATIONS

2.1 14 letters have been received objecting to the scheme on the following grounds: Residential amenity

Houses will be overlooking our lounge and garden and main bedroom

We also believe it will devalue our property and affect our privacy and also the additional noise through additional neighbours

A large number of existing properties will be affected by noise, loss of privacy and light pollution
Night time impact of headlights from up to 22 cars using the new road shining straight into our house

Loss of play area

The application is disingenuous in describing the site as "disused" This land is not a disused site; it is a neglected children's play area

Loss of the green space which our children use and where they go to play football

It is too far to walk for our children to enjoy any other open green space.

The nearest play areas are nearly 3/4 mile from this location at Ticknell Piece and Nine Acres

Are the children at one end of Charlbury to be valued so much less than those at another?

Children need space to play

More children becoming obese

Permission should be conditional on there being fewer dwellings in order to provide a safe play area for children living in the new dwellings and for all of the other children living nearby
Is the chain link fence being removed?

If the play area was put in the position on the plan the children would have access to Woodstock Road, which is one of the main roads into Charlbury, it is busy at all times of the day. How is this therefore safe for the children and families using the area?

Design

The style of the house fronting Woodstock Road conflicts with existing houses

Will greatly detract from the current streetscape.

It is perverse to demolish 2 semi-detached houses which can accommodate larger families in order to provide access to smaller homes

Will visually detract from the existing streetscape

Unit 1 is standard two-storey design, and three upstairs windows overlooking Woodstock Road, out of character with adjacent chalet bungalows

Even if rendered will not be in character with Woodstock Road

There appears to be a lot of houses on a fairly small site.

With 13 houses planned for a site area of only 0.46 hectares, the design of the whole development seems very intensive

Traffic

Concerned about amount of traffic

Increased traffic noise

Access to the development at the proposed point seems potentially hazardous

In order to see traffic coming from Woodstock around a downhill sharp bend, have to drive beyond the parked cars to be able to see the oncoming traffic.

The application provides for 22 spaces for 13 households, is this sufficient?

Housing need

Page 49 of the 'Oxfordshire Strategic Housing Market Assessment Partial Update' July 2016, states under 'Net requirement' that 'across West Oxfordshire there is a requirement for a range of different new affordable rented accommodation, with the exception of two bedroom social rented homes, where there is likely to be a surplus. It is therefore suggested that a significant number of two bedroom social rented homes could be re-let as Affordable Rented accommodation once they become vacant through natural churn.

If there is likely to be an excess of such housing, why build more?

Flooding

The gradient of the access road will mean the proposed permeable paving will prove inadequate
Worried that in very heavy storms as seen in recent years, water could still run directly down this slope and into Woodstock Road

The slope of the land shows a drop in height over the straight part of the access road of 4.77m. This makes a drop of 1 in 14.25, greater than the 1 in 20 recommended for permeable paving
It will create a risk of flooding to our property

Other

Setting precedent for Woodstock Road properties to build in rear gardens
Can current infrastructure in Charlbury cope?
Charlbury Primary School is already over subscribed

2.2 A petition of 130 signatures objection to the scheme has been received:

General comments

These plans are misleading as they appear to show that this development is coming from Sturt Close and not Woodstock Road.

2.3 Charlbury Conservation Area Advisory Committee made the following comments:

Demolition of 2 semi- detached properties to facilitate a new vehicular site access, development of 9, no. two bedroom houses and 4 no. two bedroom bungalows with associated car parking and landscaping.

Members agreed that Charlbury badly needed social housing for this kind (noting that there was no guarantee that the houses would be rented to Charlbury people) and welcomed the 'Home Zone' concept of the proposed development. The site, although providing green space, was not currently well-used and its loss was not considered harmful to the Conservation Area. Consultation with neighbours was, however, strongly advised.

Some aspects of the proposed design were criticised, particularly the excessive use of timber cladding which was not part of the local vernacular. The desirability of bringing the design of house 1 more closely in line with the adjacent bungalows on the Woodstock Road was discussed; it was felt that the possibility of giving it a deeper roof and first floor dormers should be explored while accepting that this may not be practical. It was also suggested that increasing the number of terrace, as opposed to individual, houses would give the development a less suburban feel and allow more housing units. Other issues were outside the remit of the Committee. Overall it was supportive of the development which would not detract from the character of the Conservation Area.

3 APPLICANT'S CASE

3.1 The applicant's agent has submitted the following statement of clarification after November committee meeting:

The site has not been a play area for some considerable time. The Town Council's minutes from early 2005 confirm that they surrendered the lease and removed the equipment by 31st March 2005. At the planning sub-committee meeting the Chair said, it was evident from the members site visit on 30th September 2016 that the area is not well used as there is no well-trodden grass.

The site is not designated as play/ open space within the existing or emerging Local Plan. The site is not included in West Oxfordshire District Council's schedule of 'Play Areas in West Oxfordshire' published in 2013 (attached). The Council do not have any Supplementary Planning Documents or Supplementary Planning Guidance which provide guidance on open space/ play space. The site is not included in any of the evidence base relating to open space/ play space for

the emerging Local Plan. Between 2005 and 2012 the land within the site lay fallow and returned to nature - knee high grass and weeds. In Spring 2011 Cottsway's project team met with representatives of Charlbury Town Council to discuss initial ideas for redevelopment, there was further discussions between the Town Council and Cottsway in summer 2011. In spring/summer 2015 Cottsway confirmed their intentions to redevelop the land and include a under 5's play area, if it were possible with the local ward member Cllr Graham. Cottsway have carried out regular grass cutting over the last couple of years and have been happy for the neighbours to use the land, however it has always been Cottsways intention to re-develop the site with much needed affordable housing. As mentioned by members at the sub-committee meeting the land is private therefore the Applicant could preclude access to the site should they wish.

It is also worth noting that around the same time the land ceased to be a play area, Cottsway made a considerable financial investment and upgraded Sturt Close and Hughes Close to Home Zone status. A home zone is a living street (or group of streets) which are designed primarily to meet the needs of pedestrians, cyclists, children and residents and where the speed and dominance of the motor vehicle is reduced.

We have assessed the proposal against the relevant Local Plan policies which relate to open space. Saved policy TLC5 states that development proposals should not result in the loss of existing recreational open space unless alternative provision of at least equivalent suitability, or unless clear evidence can be provided that now and in the future the land will no longer be needed for its current purpose or for recreational uses by the wider community. Emerging policy CP 19 has similar aims.

Paragraph 74 of the National Planning Policy Framework (NPPF) states that:

'Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- * an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- * the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.'

It has already been established that the site is not a play area. The site has never been used as a playing field. At best it could be described as informal open space, but as confirmed by officers at the sub-committee meeting the site is within private ownership and there is no requirement for this site to remain for public use. The fact that the proposal includes a LAP therefore more than addresses the requirements in the local plan and NPPF.

The proposal for a LAP will provide enhanced facilities over the existing.

West Oxfordshire District Council endorses the Fields in Trust (FIT), formerly the National Playing Fields Association, standards for play space which advises that LAPs should be 100 square metres. The proposed LAP meets this space standard.

We would like to take this opportunity to summarise the proposal. The proposed development will provide much needed affordable housing, the Council's housing officer has confirmed that there are 78 households who qualified for the proposed dwellings were they available today, and of these 8 have a local connection to Charlbury, this is a significant benefit of the scheme which should be afforded significant weight. The proposal will also boost the supply of housing within the District as required by the National Planning Policy Framework.

The proposal will provide a new high quality play area for existing and future residents. The proposal is well designed, respects local character and protects neighbour amenity. The proposal includes a detailed mitigation strategy to ensure biodiversity is preserved. Furthermore there is sufficient access and parking facilities.

We are disappointed regarding concerns raised at the meeting about an apparent lack of pre-application consultation by the Applicant. Cottsway carried out community consultation work and sought pre-application advice from the Council before the application was submitted. The comments received were carefully considered in the design process. The community involvement and pre-application advice carried out by Cottsway complies with the advice in the Council's Statement of Community Involvement.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
BE5 Conservation Areas
H2 General residential development standards
H7 Service centres
T1 Traffic Generation
T2 Pedestrian and Cycle Facilities
NE4 Cotswolds Area of Outstanding Natural Beauty
NE13 Biodiversity Conservation
NE15 Protected Species
OS2NEW Locating development in the right places
OS4NEW High quality design
EH1NEW Landscape character
EH2NEW Biodiversity
T4NEW Parking provision
T1NEW Sustainable transport
T3NEW Public transport, walking and cycling
H2NEW Delivery of new homes
H3NEW Affordable Housing
H12 Affordable housing on rural exception sites
TLC5 Existing Outdoor Recreational Space
OS5NEW Supporting infrastructure
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 The proposal seeks consent to demolish two properties fronting Woodstock Road and erect 13 affordable dwellings and an access road and associated landscaping. The application was deferred at November committee for further clarification regarding the status of the land.
- 5.2 The application was deferred from November committee for officers to clarify the current status of the land. The principle changes to the report are in sections 5.2, 5.6 and 5.7.
- 5.3 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
 - Principle
 - Siting Form and Design
 - Highways

Residential Amenity
Ecology and Landscape

Principle

- 5.4 The Local Plan 2011 is time expired and subject to a saving direction. The extent to which its policies can be considered up to date, and the weight to be attached to them, will depend on the degree to which they are consistent with the NPPF. Policies for the supply of housing in particular do not fully reflect the Government's objective to significantly boost supply.
- 5.5 Following the first sessions of the Examination of the emerging Local Plan 2031 in November 2015, the Council undertook further work on housing land supply matters, including a call for additional sites to be considered in a review of the SHLAA. In October 2016 the Council published an updated Housing Land Supply Position Statement and modifications to the Plan. The 5 year requirement is now based on the 660pa midpoint identified in the SHMA. This gives rise to a requirement over the plan period of 13,200 dwellings. Added to this will be WODC's apportionment of Oxford City's unmet need 2,750 dwellings, and the accumulated shortfall since the year 2011, 1836 dwellings. In order to maintain an annual requirement that is realistically achievable, Oxford's unmet need will be dealt with after the year 2021 to take account of lead-in times, and the accumulated shortfall will be spread over the plan period using the "Liverpool" calculation. The supply includes commitments, small sites and allocations which total 4,514 dwellings. This gives rise to a 5.5 year supply. However, the convention is to use the "Sedgefield" method of calculation where the shortfall is dealt with in the next 5 year period rather than being spread over the entire plan period. Using this calculation, the 5 year supply is 4.18 years.
- 5.6 The Council will be making a case for "Liverpool" at the resumed Examination, but accepts that this is currently untested and not endorsed by the Inspector. Accordingly, prior to further monitoring information becoming available and the outcome of the Examination, it is recommended that in accordance with the Council's prudent approach to the calculation of its housing land supply that it is currently appropriate to apply "Sedgefield" and therefore to acknowledge in that context that the Council cannot currently demonstrate a 5 year supply. In this context paragraphs 14 and 49 of the NPPF are engaged. This report will therefore address the planning balance in the context of a shortfall in housing land supply.
- 5.7 The Housing Enabling Officer has confirmed that there is a need for affordable housing in the area. The proposal will provide a variety of properties including 4 much needed bungalows. All the dwellings will be two bedroomed as there is a need for smaller units.
- 5.8 For the purposes of this application, the site is brownfield and within the built up area of the town so would fall within the criteria set out within policy H7 of the Local Plan and H2 of the emerging plan. It will result in the loss of a former play area which is contrary to adopted and emerging policy but the scheme has been revised to include a Local Area of Play which is considered on balance to be acceptable.

Siting, Design and Form

- 5.9 The proposal seeks consent for 13 vernacular properties, nine of which would be one and a half/two storey properties and four would be bungalows. Each property has an allocated parking space and private garden space. They are sited along the access road and arranged around a

central area in the main body of the site in a home zone type arrangement (shared surfaces for vehicles and pedestrians).

- 5.10 The proposed materials are render, facing brick and timber boarding which are considered to be acceptable.
- 5.11 The property is within Charlbury Conservation Area wherein the Council must have regard to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of any development proposal either preserving or enhancing the character of Conservation Area. Further the paragraphs of section 12 'Conserving and enhancing the historic environment ' of the NPPF are relevant to consideration of the application. The proposal is considered to preserve the character of the Charlbury Conservation Area, as the siting of housing within an existing area of housing is considered to be appropriate.

Highways

- 5.12 The site is on the side of a hill, the land rises up from Woodstock Road towards Sturt Close. The access will be formed from Woodstock Road and the design is that of a home zone so the road will be a shared surface for cars and pedestrians in order for natural traffic calming to take place. Each property has two spaces which are in line with the Districts parking standards.
- 5.13. OCC were originally objecting to the scheme due to inadequate visibility on Woodstock Road but the applicant has revised the scheme to address those concerns and the County objections have been lifted subject to conditions being included in the recommendation.

Residential Amenities

- 5.14 The proposal has existing neighbours on all sides so the scheme has been designed to take into account their amenity. Those considered to be most affected are the dwellings either side of the access road, however it is not considered to be so detrimental as to warrant a reason for refusal.
- 5.15 The back to back distances of plots 4-6 to the properties on Woodstock Road are more than sufficient (in excess of 40m, with some over 50m) so it is not considered they will be overbearing or result in unacceptable loss of privacy, and the back to back of plots 11-13 to properties in Sturt Close are not considered to be unacceptable on the grounds the proposed dwellings are single storey.

Ecology and landscape

- 5.16 Information was submitted in support of the application in respect of biodiversity and based on the findings of that report the District Ecologist required a further Reptile Survey to be undertaken which has now been received. The Ecologist has commented on the report since the last committee and has requested conditions be attached to the permission requiring mitigation to be carried out in accordance with the ecology report recommendations.
- 5.17 The proposals are within the AONB but given the site is well within the envelope of the town it is not considered that the scheme will harm the special landscape character of the AONB.

Conclusion

- 5.18 At November committee the Members requested further confirmation from Officers regarding the current status of the land. Officers can confirm the area is not a designated playing field, on the historic maps it is shown as a playground but that status can be considered redundant. Members can see from the applicant's case at paragraph 3.1 that the play equipment was removed from the site over 10 years ago. Policy TLC5 (b) requires that development should not result in the loss of amenity areas unless alternative provision of at least equivalent suitability is made. Weighing up the planning balance, given that although historically the site was a playground it hasn't been equipped for in excess of ten years, the site is now privately owned, a play area is being re-provided on site (which meets the requirements for play for a development of this size) and that the proposal will provide 13 much needed affordable homes, your officers consider that the application is on balance acceptable.
- 5.19 However, if members were minded to disagree with officers recommendation, alternative options could be to require that a larger play area is provided on site (which would most likely result in the loss of an affordable house) or to require a contribution to enhance alternative play facilities within the settlement to offset the loss of facilities here.
- 5.20 The application is recommended for approval subject to conditions and a S106 to secure the affordable housing in perpetuity.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 Prior to the commencement of the development hereby approved, full details of the means of access between the land and Woodstock Road, including position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the means of access shall be constructed and retained in accordance with the approved details. The vision splays shall always be kept clear of any obstruction higher than 0.6m.
REASON: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.
- 4 Prior to the commencement of the development hereby approved, full specification details of the estate roads, footways/footpaths, vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing, lighting and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, this infrastructure shall be constructed in accordance with the approved details.

REASON: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

- 5 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
 - Discharge Rates
 - Discharge Volumes
 - Maintenance and management of SUDS features (this may be secured by a Section 106 Agreement)
 - Sizing of features - attenuation volume
 - Infiltration tests to be undertaken in accordance with BRE365
 - Detailed drainage layout with pipe numbers
 - SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
 - Network drainage calculations
 - Phasing plans
 - Flood Risk AssessmentREASON: To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Government guidance contained within the National Planning Policy Framework.
- 6 No dwelling or other buildings shall be occupied or implemented until car parking space(s) to serve them have been provided according to plans showing parking and the necessary manoeuvring and turning to be submitted and agreed by the Local Planning Authority. All car parking shall be retained at all times thereafter, unless otherwise agreed in writing beforehand by the local planning authority. Car parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
REASON:- To ensure appropriate levels of car parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.
- 7 Prior to the first occupation of the development hereby permitted, a plan showing the number, location and design of cycle parking for the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shown on the agreed plan shall be provided for each phase of the development prior to first occupation of that phase of the development. The cycle parking will be permanently retained and maintained for the parking of cycles in connection with the development.
REASON: To ensure appropriate levels of cycle parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.
- 8 Prior to commencement of the development hereby approved, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.
REASON: In the interests of highway safety and the residential amenities of neighbouring occupiers.

- 9 In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.
REASON: To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 10 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.
REASON: To safeguard the character and appearance of the area.
- 11 The external walls shall be constructed with a form of artificial stone that will best match the colour, texture and method of laying of the natural stone to be found in the locality. A sample of such artificial stone shall be submitted to and approved in writing by the Local Planning Authority before any such material is used on site.
REASON: To safeguard the character and appearance of the area.
- 12 The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure the architectural detailing of the building reflects the established character of the locality.
- 13 Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 14 Bat and bird boxes shall be installed in accordance with details including phasing that have been submitted to and approved in writing by the Local Planning Authority before development commences.
REASON: To safeguard and enhance biodiversity.
- 15 Prior to the commencement of development, the developer must submit details for agreement in writing by the Local Planning Authority of evidence that every premise in the development will be able to connect to and receive a superfast broadband service (>24mbs). The connection will be to either an existing service in the vicinity (in which case evidence must be provided from the supplier that the network has sufficient capacity to serve the new premises as well as the means of connection being provided) or a new service (in which case full specification of the network, means of connection, and supplier details must be provided). The development shall only be undertaken in accordance with the said agreed details which shall be in place prior to first use of the development premises and retained in place thereafter.

REASON: In the interest of improving connectivity in the District.
NB Council will be able to advise developers of known network operators in the area.

- 16 That a scheme for the landscaping of the site shall be executed in accordance with the details shown on landscaping plan 1516/PL/008c. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.
REASON: To ensure the safeguarding of the character and landscape of the area during and post development.
- 17 No development (including site works and demolition) shall commence until all existing trees which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2012: 'Trees in Relation to design, demolition and construction' has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.
REASON: To ensure the safeguard of features that contributes to the character and landscape of the area.
- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions or outbuildings, other than those expressly authorised by this permission, shall be erected.
REASON: Control is needed to protect neighbour amenity.
- 19 Before first occupation of units 1-2 hereby permitted, the first floor east facing windows shall be fitted with obscure glazing and shall be retained in that condition thereafter.
REASON: To safeguard privacy in the adjacent privacy.
- 20 The development hereby approved shall be in accordance with the recommendations in Section 5 of the Reptile Survey Report and Section 6 of the Extended Phase I Habitat Survey submitted with the application.
REASON: To safeguard and enhance biodiversity.
- 21 The boundary treatment proposed between residential properties should be wildlife friendly i.e. continuous gap beneath or holes at specified locations for the movement of reptiles and other species such as hedgehogs.
REASON: To safeguard and enhance biodiversity.

NOTES TO APPLICANT

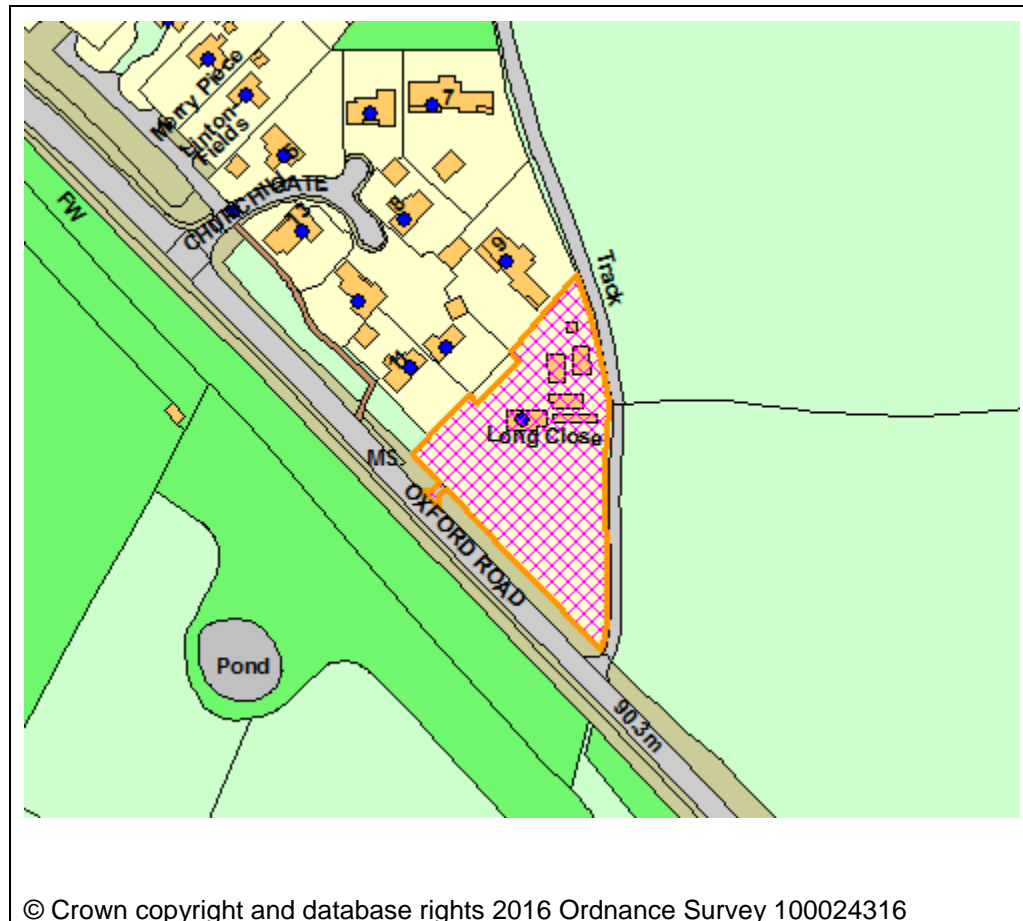
- 1 The Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure

a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. Alternatively the developer may wish to consider adoption of the estate road under Section 38 of the Highways Act.

- 2 No Highway materials or construction methods have been approved at this stage. The detailed design will be subject to a full technical audit if the road is to be submitted for adoption in an s38 agreement.
- 3 Prior to commencement of development, a separate consent must be obtained from OCC Road Agreements Team all works in and immediately adjacent the highway under S278 of the Highway Act. Contact: 01865 815700; RoadAgreements@oxfordshire.gov.uk
- 4 There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit thameswater.co.uk/buildover
- 5 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Application Number	I6/02515/FUL
Site Address	Long Close Oxford Road Woodstock Oxfordshire OX20 1QN
Date	23rd November 2016
Officer	Joanna Lishman
Officer Recommendations	Approve
Parish	Blenheim Parish Council
Grid Reference	445234 E 216269 N
Committee Date	5th December 2016

Location Map



Application Details:

Erection of three detached houses and associated works

Applicant Details:

Mr Lewis
16A Bedbrook Crescent
Oxford
OX5 1RW

1 CONSULTATIONS

- | | | |
|-----|-------------------------------------|--|
| 1.1 | OCC Highways | Visibility splays have now been submitted and the Highway Officer is satisfied that as the land is in the jurisdiction of OCC, as dedicated highway and it is a straight road, the appropriate 2.4m x 70m splay can be achieved. |
| 1.2 | WODC Drainage Engineers | No objection subject to condition. |
| 1.3 | ERS Env Health – Uplands | Noise condition recommended |
| 1.4 | WODC Architect | The plans have been amended and discussed with WODC Architect. On balance, the amendments are considered acceptable and the scheme would not warrant a refusal on design, scale and siting grounds. |
| 1.5 | OCC Rights Of Way Field Officer | No Comment Received. |
| 1.6 | Adjacent Parish Council | No Comment Received. |
| 1.7 | Ecologist | No objection - conditions. |
| 1.8 | WODC Landscape And Forestry Officer | No Comment Received. |
| 1.9 | Town Council | The Council has no comment on the proposed buildings, but wished to express their concern at the number of exit roads now coming out in this part of the A44 (Churchill Gate; Long Close - which has had minimal traffic for years and will now have significant traffic going in and out; the Ridges; and the Bladon Chains exit onto the A44), where traffic is often over the speed limits. |

2 REPRESENTATIONS

- 2.1 One objection and one letter of support have been received as follows:

Support:

- 2.2 Plans look great will be in keeping with surrounding properties, will be good to see them up rather than the derelict house that is already on the approach to Woodstock, it will open the area up and look brighter for residence and also visitors to the area

Objection:

- 2.3 The proposed development at Long Close remains excessive, whilst the site is large, it is triangular shaped and does not support three large and imposing houses on three floors, this must be considered over development. It would erode the character of the approach to Woodstock from Oxford and negatively affect the wildlife at the edge of our town. The approach to Woodstock has previously been retained by building a stone wall in front of any development on this road. A pavement should be in place, to link to Churchill Gate so pedestrian access can be gained safely to and from the town centre and amenities around Woodstock.

The addition of a major access by Blenheim into their commercial offices at Ridge coupled with additional movement of traffic at Long Close is contrary to WODC previous views for safety along the A44. I would support two properties being built, similar to the proposed designs on this site, with attention that the height should not exceed that of Churchill Gate properties.

3 APPLICANT'S CASE

The conclusion to the Design and Access Statement states the following:

- 3.1 In conclusion we believe that the previous Pre-app and full Planning application has drawn out the criteria which we should comply with and this scheme for three units fulfils those criteria in full. In principle the site is considered acceptable for residential development and Planning Policy supports the intensification of use on this site. Even in its current location on the edge of the Town we feel that it is a suitable infill site and at Pre-app stage the Planning Officer agrees.
- 3.2 Concerns were previously raised as to the scale of development and we find that three houses sit well within the context of the existing tress and the tress add to the quality of the residential environment. With mitigation measures to improve the site ecology and a no dig road solution (replacing some of the existing metalled road) the scheme will improve the habitat and protect the trees.
- 3.3 We don't feel that the proposal has any negative effects of the adjoining houses at Churchill Gate nor does it preclude the development of Woodstock East.
- 3.4 We also feel that the road access provided and existing access point is sufficient. If Woodstock East is permitted we suggest that the speed limit on the A44 should be extended further towards Woodstock roundabout and this would significantly improve the noise levels from the road.
- 3.5 The works to the site will improve the quality of the hedgerow against the registered footpath making this route easier to use. The proposal doesn't affect any other right of way.
- 3.6 We therefore feel that the proposal will be a positive element in the development of Woodstock and will improve the southernmost corner of the Town.

4 PLANNING POLICIES

- 4.1 BE2 General Development Standards

BE3 Provision for Movement and Parking
H7 Service centres
NE6 Retention of Trees, Woodlands and Hedgerows
NE15 Protected Species
OS2NEW Locating development in the right places
OS3NEW Prudent use of natural resources
OS4NEW High quality design
EH1NEW Landscape character
EH2NEW Biodiversity
T1NEW Sustainable transport
H2NEW Delivery of new homes
T4NEW Parking provision

The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 This application seeks planning permission for the demolition of the existing dwelling and its replacement with three detached dwellings at Long Close, Woodstock. The application is before the Uplands Area Sub-Committee at the request of Ward Member Councillor Poskett and concern regarding the visibility splays.

Background Information

- 5.2 The application site is site is approximately 0.4ha in size and accessed from the main A44 into Woodstock. The site comprises an existing substantial two-storey detached property, known as Long Close, and a number of outbuildings.
- 5.3 The site is located outside of the Cotswolds Area of Outstanding Natural Beauty and Woodstock Conservation Area.
- 5.4 The site lies east of the modern housing development Churchill Gate and east of the land subject to a current planning application for predominantly housing which has been allocated in the draft Local Plan (ref: 16/01364/OUT). Whilst the application is undetermined at present, it has support in principle from the Local Planning Authority (LPA).
- 5.5 The site itself is characterised by a landscaping screen on the eastern boundary and a landscaping scheme along the south boundary of the site which is subject to a Tree Preservation Area Order (Reference Chipping Norton No.6, 1966).
- 5.6 An application was submitted in September 2015 for the erection of four detached dwellings on the site however officers advised that this was too much development for the site and the application was withdrawn.
- 5.7 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

Design, Scale and Siting
Access and Highways

Impact on Residential Amenities
Ecology
Trees

Principle

- 5.8 The Local Plan 2011 is time expired and subject to a saving direction. The extent to which its policies can be considered up to date, and the weight to be attached to them, will depend on the degree to which they are consistent with the NPPF.
- 5.9 Following the first sessions of the Examination of the emerging Local Plan 2031 in November 2015, the Council undertook further work on housing land supply matters, including a call for additional sites to be considered in a review of the SHLAA. In October 2016 the Council published an updated Housing Land Supply Position Statement and modifications to the Plan. The 5 year requirement is now based on the 660pa midpoint identified in the SHMA. This gives rise to a requirement over the plan period of 13,200 dwellings. Added to this will be WODC's apportionment of Oxford City's unmet need 2,750 dwellings, and the accumulated shortfall since the year 2011, 1836 dwellings. In order to maintain an annual requirement that is realistically achievable, Oxford's unmet need will be dealt with after the year 2021 to take account of lead - in times, and the accumulated shortfall will be spread over the plan period using the "Liverpool" calculation. The supply includes commitments, small sites and allocations which total 4,514 dwellings. This gives rise to a 5.5 year supply. However, the convention is to use the "Sedgefield" method of calculation where the shortfall is dealt with in the next 5 year period rather than being spread over the entire plan period. Using this calculation, the 5 year supply is 4.18 years. The Council will be making a case for "Liverpool" at the resumed Examination, but accepts that this is currently untested and not endorsed by the Inspector. Accordingly, prior to further monitoring information becoming available and the outcome of the Examination, it remains appropriate to apply "Sedgefield" and therefore it is acknowledged that the Council cannot currently demonstrate a 5 year supply. In this context paragraphs 14 and 49 of the NPPF are engaged. This report will therefore address the planning balance in the context of a shortfall in housing land supply.
- 5.10 Essentially, the site is previously developed and is within the sustainable settlement of Woodstock which is identified as a one of the District's main Service Centres. It does not project beyond the existing boundary of the site and notwithstanding this, the adjacent site is allocated for development. Your officers support the principle of the redevelopment of this site for housing.

Design, Scale and Siting

- 5.11 The site is triangular in shape and would be bordered by the existing housing development to the north-west and enclosed by the future housing allocation to the east, subject to obtaining planning approval.
- 5.12 The three proposed 2.5 storey detached dwellings draw on vernacular forms and a 'farmhouse' style with the use of traditionally proportioned windows, gables, dormers, etc. The design reflects the surrounding approved dwellings and would be in keeping with the more modern character of this part of Woodstock.

- 5.13 The materials proposed are natural stone, timber and clay roof tiles. The existing dwelling is not considered to be of any particular architectural merit. The proposed roof tiles are the same as on the existing dwelling, however the existing dwelling is rendered walls. A sample panel of walling and a sample of the roofing material, however, will be required to be agreed by condition.
- 5.14 Whilst located on the main road, the site benefits from a significant sense of enclosure created by the mature hedges and trees around the periphery. The site's relationship with the existing urban edge has a bearing on its suitability for development. The site is an existing residential curtilage and is therefore not publically accessible. It does not represent an important gap, or perform a particular function in the area. Officers recognise that the development would represent significant change. However, change is not necessarily the same as harm. On balance, it is considered that the development would bring about some environmental improvements and produce a scheme that is in keeping with the built form nearby. In your Officers' view the development would not be harmful, and the character of the area would be preserved.

Access and Highways

- 5.15 The speed limit in this location is 30mph. The Highway Officer agrees that because this proposed access sits on the edge of the town and is on a major 'straight' trunk road, visibility splays of 2.4 x 70m are more appropriate, in order to reduce the likelihood of a collision. The plans have been amended to show this is possible across land in the jurisdiction of OCC. (Splays of 2.4 x 90m are also shown to be possible).
- 5.16 The access itself has an 8m bellmouth, which narrows to 3.5m after just 2.5m. The Highway Officer considers it unacceptable for an access off the A44 in this location and mitigation is required for the unlikely event that two vehicles will meet coming into and out of the access, or an HGV and a vehicle and to avoid a potential rear shunt collision on this stretch of the A44. The access should be at least 4.8m wide for at least the first 15m into the site, after which, the 3.5m is suitable. The Highway Officer has suggested that any such widening will involve the applicant entering into a S278 agreement with OCC to carry out works to the highway. The applicant is satisfied that the access can be agreed by condition as proposed by the Highway Officer.
- 5.17 The net gain is two dwellings, in parking standards this warrants parking for an additional four cars. Each property has a garage for two cars and a driveway for visitor parking. Cycle parking provision is within the garage as is bin and recycle storage.
- 5.18 The objection comment refers to the provision of a public footpath to link to Churchill Gate. The Highway Officer has not requested this as a requirement of the scheme. The occupants of the dwellings can walk along the verge the short distance to the footpath. Any formal footpath provision here would also potentially harm the root protection areas for the TPO's.

Residential Amenities

- 5.19 The current scheme reduces the number of units from four to three which sees the dwellings pulled away from the properties in Churchill Gate. Two dwellings are orientated towards the road so there is only one front elevation facing the existing dwelling. The separation distances involved are 22m from the front elevation of Plot 2 to the boundary and 40m to the main body of the relevant house in Churchill Gate). There would consequently be no material loss of light

or a sense of any of the buildings being overbearing. There would also be no unacceptable overlooking.

- 5.20 Within the site, all of the proposed dwellings would have acceptable interfaces. The relationship between the footprint of buildings, garden areas and open space is entirely appropriate. Overall the proposal is considered to comply with WOLP Policies BE2 and H2, and emerging Local Plan Policy H2.

Trees

- 5.21 The submitted Arboricultural Report states that on site there are 2no. trees of high quality and value, a high number of trees that are of moderate quality. The dwellings and parking areas have been sited to ensure minimal impact on the root protection areas of these trees.
- 5.22 No dig techniques and porous surface treatment will be used to protect roots, particularly around the main access into the site and around the Copper Beech.
- 5.23 The TPO hedgerow to the front of the site will be protected and the scheme include maintenance of the hedgerow to allow improved pedestrian access which is currently overgrown.

Ecology

- 5.24 The Ecology Officer is generally satisfied with the methodology and findings of the submitted Extended Phase I Habitat Survey and Bat Survey Report dated July 2016 by Windrush Ecology. Three conditions are recommended relating to a landscaping scheme and bat and bird mitigation.

Conclusion

- 5.25 The adopted Local Plan is time expired and the Council is now moving forward with a revised plan up to the year 2031. The proposal is consistent with the need to deliver windfall housing on suitably located sites within the Eynsham-Woodstock Sub-Area, having regard to paragraph 14 of the NPPF.
- 5.26 The siting, design and form of the development are acceptable with reference to the character of the locality.
- 5.27 There would be no material impact on privacy, light or general amenity in relation to neighbouring properties.
- 5.28 The development would not have an unacceptable impact on the operation of the highway network in this location or on highway safety generally. The visibility splays have been agreed by the Highway Officer with the width of the access to be agreed via condition.
- 5.29 Retention and protection of trees, appropriate landscaping, and suitable mitigation and enhancements for wildlife can be secured by condition.
- 5.30 Taking into account all of the above matters, the application is recommended for approval subject to the conditions suggested and final response from the Landscape and Forestry Officer.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

REASON: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework
- 4 Prior to the commencement of the development hereby approved, and notwithstanding the application details, full details of an 11.4m refuse vehicle turning within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details. Note: The vehicle tracking must not overrun into the opposite carriageway
REASON: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework
- 5 Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
REASON: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework
- 6 The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 7 The external walls shall be constructed of natural local stone in accordance with a sample panel which shall be erected on site and approved in writing by the local Planning Authority before any external walls are commenced and thereafter be retained until the development is completed.
REASON: To safeguard the character and appearance of the area.
- 8 The roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.
REASON: To safeguard the character and appearance of the area.

- 9 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Policy Statement 25 Technical Guidance).
- 10 Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 11 The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure the architectural detailing of the building reflects the established character of the locality.
- 12 Notwithstanding the submitted details, a scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground development commences. The scheme shall include the location, size, and condition of all existing trees and hedgerows on and adjoining the site to be retained, together with measures for their protection during construction work. It must show details of all planting areas, including plant species, numbers and sizes. The proposed means of enclosure, hedges and screening shall be included together with details of any mounding, retaining structures, walls, fences and hard surfaces to be used throughout the development. The scheme shall have been fully implemented as approved by the end of the planting season immediately following completion of the development or the dwellings being brought into use, whichever is the sooner. The scheme shall be maintained in accordance with the approved details. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.
REASON: To safeguard the character and landscape of the area.
- 13 No development (including site works and demolition) shall commence until all existing trees which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2012: 'Trees in Relation to design, demolition and construction' has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.

REASON: To ensure the safeguard of features that contribute to the character and landscape of the area.

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, and G, and Schedule 2, Part 2, Classes A and B shall be carried out other than that expressly authorised by this permission.
REASON: Control is needed to maintain the character and appearance of the approved buildings and the site in general because of its prominent location at the entrance to Woodstock and its relationship with existing dwellings.
- 15 No development, including any works of demolition, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:
- I The parking of vehicles for site operatives and visitors
 - II The loading and unloading of plant and materials
 - III The storage of plant and materials used in constructing the development
 - IV The erection and maintenance of security hoarding including decorative displays
 - V Wheel washing facilities
 - VI Measures to control the emission of dust and dirt during demolition and construction
 - VII A scheme for recycling/disposing of waste resulting from demolition and construction works
 - VIII Working hours during demolition and construction
- REASON: To safeguard the means to ensure that the character and appearance of the area, living conditions and road safety are in place before work starts.
- 16 Before development takes place, details of the provision of bat roosting features and nesting opportunities for birds (House martin and House sparrow) into the new dwellings shall be submitted to the local planning authority for approval, including a drawing showing the locations and types of features. At least one bat box and one bird box shall be installed onto each dwelling. The approved details shall be implemented before the dwellings hereby approved are first occupied, and thereafter permanently maintained.
REASON: To provide compensation for loss of bat roosts and to provide new nesting sites for birds as a biodiversity enhancement, in accordance with paragraph 118 of the NPPF, policies NE13 and NE15 of the West Oxfordshire District Local Plan 2011 and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.
- 17 No development shall take place until a landscaping scheme has been submitted and approved by the Local Planning Authority, including at least 75% native species of local provenance, a flowering lawn mixture (as appropriate) and a 5-year maintenance plan. The entire landscaping scheme shall be completed by the end of the first planting season following the first occupation of the development hereby approved. If within a period of five years from the date of planting of any tree/hedge/shrub that tree/hedge /shrub, or any replacement, is removed, uprooted or destroyed, or dies, or becomes seriously damaged or defective, another tree/hedge /shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably

possible and no later than the first available planting season, unless otherwise agreed in writing by the local planning authority.

REASON: To enhance the site for biodiversity in accordance with paragraph 118 of the National Planning Policy Framework, policy 9 of the Cotswold District Local Plan 2011 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

- 18 The development hereby approved shall be carried out in accordance with the recommendations made in sections 4.2.2.1 (birds), 4.2.2.3, 4.2.2.4 and 4.2.2.5 (bats) of the Extended Phase I Habitat Survey and Bat Survey report dated July 2016 prepared by Windrush Ecology.

REASON: To ensure adequate protection and mitigation for protected and priority species in accordance with Section 11 of the NPPF and policy NE15 of the West Oxfordshire District Local Plan 2011.

19

Internal ambient noise levels for the new dwellings shall accord with the following table (ref: BS 8233:2014 Guidance on sound insulation and noise reduction for buildings)

Indoor ambient noise levels for dwellings			
Activity	Location	07:00 to 23:00	23:00 to 07:00
Resting	Living Room	35dB L Aeq, 16 hour	
Dining	Dining Room/ Area	40dB L Aeq, 16 hour	
Sleeping (day time resting)	Bedroom	35dB L Aeq, 16 hour	30dB L Aeq, 8 hour

Note 1: If relying on closed windows to meet the guide values, there needs to be an appropriate alternative ventilation that does not compromise the facade insulation or the resulting noise level.

REASON: To safeguard living conditions for the residents of the properties.

- 20 Prior to the commencement of development, the developer must submit details for agreement in writing by the Local Planning Authority of evidence that every premise in the development will be able to connect to and receive a superfast broadband service (>24mbs). The connection will be to either an existing service in the vicinity (in which case evidence must be provided from the supplier that the network has sufficient capacity to serve the new premises as well as the means of connection being provided) or a new service (in which case full specification of the network, means of connection, and supplier details must be provided). The development shall only be undertaken in accordance with the said agreed details which shall be in place prior to first use of the development premises and retained in place thereafter.

REASON: In the interest of improving connectivity in the District.

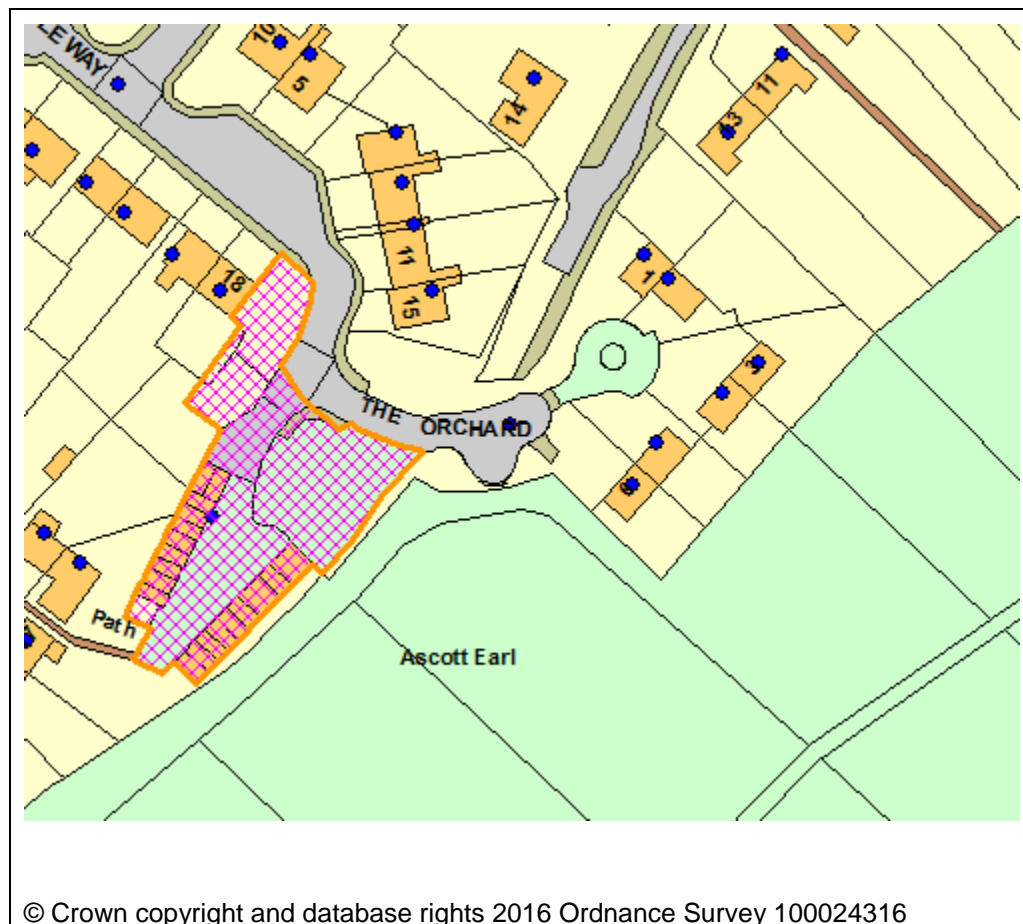
NB Council will be able to advise developers of known network operators in the area.

NOTE TO APPLICANT

- I The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
 - Code for sustainable homes - A step-change in sustainable home building practice
 - Version 2.1 of Oxfordshire County Council's SuDS Design Guide (August 2013)
 - The forthcoming local flood risk management strategy to be published by Oxfordshire County Council sometime after March 2015. As per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
 - CIRIA C753 SuDS Manual 2015

Application Number	I6/02793/FUL
Site Address	18 Maple Way Ascott Under Wychwood Chipping Norton Oxfordshire OX7 6AU
Date	23rd November 2016
Officer	Abby Fettes
Officer Recommendations	Approve subject to Legal Agreement
Parish	Ascott Under Wychwood Parish Council
Grid Reference	429883 E 218485 N
Committee Date	5th December 2016

Location Map



Application Details:

Erection of six dwellings and associated works.

Applicant Details:

Mr Will Munro
Cottsway House
Heynes Place
Avenue 2
Witney
OX28 4YG

I CONSULTATIONS**I.1 Parish Council**

Ascott under Wychwood PC object on following grounds:

1. Overlooking

The tenant at No 18 Maple Way accepted the loss of a strip of his back garden (8m x 20.7m long) when the applicant visited him several months before the application was made. However, he was not aware until just before the formal application that 4 of the 6 proposed houses would be sited with their back walls, including 2 upstairs windows and a patio door, overlooking the whole of the tenant's back garden. He feels acutely that all his privacy would be lost as the garden at his front is bound by Covenant to be kept open. The proposed houses would be on slightly higher land due to the slope, thus creating deep shadow along the full length of the tenant's garden. The loss of a mature hedge and trees is already proposed in the application but in addition much of his remaining, beautifully tended mature garden will suffer from the increased shadow.

2. Overshadowing and Loss of Light

Residents at No 15 Dawls Close were originally informed by the applicant that they would lose a corner of their back garden behind one of the garage blocks. However, on reading the application plans, they realise that the application is not to use that corner but to take out a different and larger section of the back garden for 2 car parking spaces. This large section reduces the length of the back garden by half. The car parking would be very close to the tenants' living room window and in full view. In addition, the land rises up from the back wall of the house. The tenants have recently lost an open aspect because of close board fencing being installed at the side. They also have the public footpath running at the side of their garden and house. They report waterlogging in the garden and damp in the house, so paving over a large section of their garden would make this worse. These residents do use a garage and are being forced to give it up. We therefore ask that an alternative parking space be made available to No 15 Dawls - one which is within reasonable walking distance for an elderly couple and which does not impact on their garden and living room.

3. Flooding

Nos 11, 13, 15 and 17 Dawls Close and Nos 10 and 12 Maple Way report waterlogging in their gardens and some have had flooding on

their patios or driveways. In addition, No 15 reports damp within the house and No 13 has had sewage problems. The field behind the garages is known as a wet field and Ascott generally suffers from run-off problems because of the clay soil and a series of springs running down the hills. We note that permeable paving has been planned for the road and welcome that. However, we also note that the testing has not been done 3 times which is requisite and we question whether it has been done during the wettest winter months. We also note that a soakaway is planned at the end of the back gardens of the block of 4 houses. We request that a soakaway be installed to protect the above-mentioned gardens and homes in Dawls Close.

4. Car Parking

Many of the existing garages at the top of Maple Way have been given up due to an increase in rent. Some were used for storage as the size of the garages does not accommodate many modern cars. However, 6 garages are used for cars. These cars will require parking space as well as the cars belonging to the proposed new homes. Many families in the village now have at least 2 cars especially as there is extremely limited public transport serving the village.

Residents complain of traffic and parking congestion at each end of the working day and over weekends. This particularly applies to Maple Way because there is a covenant which forbids parking on the front of each property, consequently no driveways or forecourts have been allowed and, of course, the garages were originally provided instead. When Maple Way is congested, cars will park on the road in Dawls Close where driveway parking is allowed. Dawls Close also becomes heavily congested. There are many children playing outside as well as elderly residents living in these roads. Residents are very concerned about safety or the difficulty for elderly residents when they cannot find a parking space near their front doors.

Now that the garages will be demolished and more housing (therefore more traffic) is proposed, a suggestion has been made to lift the covenant to allow driveways on the properties of Maple Way. If lifted and permission given for driveways, dropped kerbs would be required. The covenants are between WODC and the property owner (either private or Cottsway, presumably). This would ease roadside parking. We would ask that the cost of lifting the covenants and providing dropped kerbs be absorbed within the cost of the development.

We understand that construction disturbance is listed as a subject that you cannot accept as a formal objection to the development. However, the issue of limited parking space in Maple Way will be acutely felt at times when there will be construction deliveries and when construction workers will need to park their cars. We understand that a developer can be asked to arrange deliveries at times when most residents' cars are out of the village or a developer

can be asked to use a temporary haul route and we ask the Planning Office to insist upon one of these options.

The Parish Council and residents are very concerned about the number of contractors' cars which will need to find parking spaces. All the roads in Ascott-under-Wychwood are no more than glorified lanes and the Parish Council is repeatedly obliged to deal with broken kerbstones, damaged verges and broken wing mirrors. Residents (including those with walking aids) are often forced to walk in the road because of cars parked on footways where the road is especially narrow or busy. Please would the Planning Office insist that Cottsway make arrangements for disruption to be as minimal as possible. The creation of a compound in a spare field could be a solution (as was the arrangement with Thames Water when they recently replaced a section of sewer between Ascott Earl and Shipton-u-W). Construction workers can then share lifts or walk to the site.

Lastly, we would like to register our extreme disappointment at the way the applicant has handled this application. We understand that the NPPF recommends consultation with the community and we would particularly expect this from a social housing company which is set up to support the community. Instead, just a few residents were initially consulted, they were not kept up to date so that 2 households were worrying about something that did not transpire, I discovered only just before the application was made that he would have 4 houses overlooking his back garden and I found out about having 2 car parking spaces on their back garden when it was pointed out on the application plans by a Parish Councillor. A resident, whose (privately owned) land had been marked by surveyors, wrote to Cottsway in August asking for information and has never received an answer.

The applicant attended the September Parish Council meeting when the planning application consultation period had only 8 more days to run. He showed no sympathy to our complaints of poor consultation, stating at times that residents had definitely been kept up to date or that he would have to check his notes. At our objections he only commented that those were our opinions and we should direct them to WODC Planning.

In summary, we do not object to building some affordable housing on the site of garages at 18 Maple Way but we do object strongly to the current proposed layout which will cause serious overlooking and loss of privacy, plus serious reduction to the size of 2 gardens. The Parish Council and residents are very concerned about traffic and parking congestion, during and after construction is complete, and we have made suggestions to reduce the problems substantially now and for future sustainability. We are grateful that some measures are planned to reduce the impact of run-off water but ask for more

careful testing at times when the water table is high and for a soakaway (or similar) to be installed to protect the properties at the top of Dawls Close.

I.2 Parish Council

Ascott PC on amended plans:

Overlooking and Loss of Privacy

The amended plan has only moved 1 bedroom window to the side still leaving 3 to overlook the back gardens of Nos 18 & 16 Maple Way. In turn, the back windows of several existing houses at the top of Maple Way would overlook and affect the privacy of the proposed block of four.

Overshadowing, loss of light and overbearing to 18 Maple Way

A block 31ft high and 70ft long with 20ft long gardens will seriously affect the light of the beautifully tended mature garden. The owner had accepted that some mature trees and large bushes would have to be removed - we contend that the whole micro-climate of the garden will be changed by the serious overshadowing caused by such a block built in line with the movement of the sun.

Out of keeping with the rural nature of a small village in the Cotswold AONB

A large block overlooking and overshadowing its neighbour is more in keeping with a town, it does not maintain the rural nature of Ascott-under-Wychwood small village.

Overbearing to 15 Dawls Close - 2 parking spaces in back garden, the only garden to the property

(Please note that the parking spaces are numbered on the plan for No 16 but the garden belongs to No 15 Dawls Close according to our electoral role.)

15 Dawls Close has no frontage, simply a path to its front door. Its western and part of its southern boundary at the back is a busy public right of way. 2 Parking spaces occupying a large area of the back garden (their only garden) would be overbearing to the living room, especially as the land rises behind the house. The residents would accept 1 parking space for their private use, especially as they will lose the use of a nearby garage. They are disabled and there is no space to park close to their property at the front because of the configuration of neighbouring driveways. We ask that the single parking space be sited close to the line of the (to be demolished) garage side wall.

The back wall of the old garages affords No 15 Dawls Close a small amount of outdoor privacy. Please make it a condition of approval (when a plan is eventually agreed) that the eastern corner of the 15 Dawls Close be screened by close board fencing (replacing the line of garage wall) and that their one parking space should be made for their private use only by extending the boarding along the side of their

private parking space and putting in a double gate at the roadside to join the existing link fence.

A second 'visitors' parking space should be found elsewhere on the plan.

Flood Management for the wider community

It is morally imperative that the Planning Dept and any Inspectors safeguard the delicate balance that has recently been achieved to protect existing homes in Ascott-under-Wychwood and we respectively remind you of -

- The flooding of summer 2007 where 44 houses in Ascott were affected,
- The natural shape of the village with many springs and brooks running down steep hills to and through the built environment (which becomes almost level)
- The heavy clay soil which is blue and very impermeable in parts
- Environmental forecasts

Before and immediately after the 2007 flood it was extremely difficult to persuade Councils, Environment Agency and Utilities that much maintenance had been neglected and that the negligence contributed to the number of flooded homes and gardens. We have to remain wary of advice based on inaccurate records and trust the clear evidence that we witness on a regular basis. We believe that this is why a Parish Council's remarks are important during a planning application. As in our first letter of objection, we are very critical of the lack of consultation with the Parish Council before this planning application was submitted.

At this stage we do not accept that enough testing for site permeability of the site has been done and particularly not during wet conditions. Properties north and downhill of the site have reported problems of damp or waterlogging. It is not enough now to expect existing or even new pipework to carry the water away as it simply passes the whole problem on to other lower properties on the Shipton Rd (which have definitely been flooded in the past) or to the river which rises and can flood back across land and through pipework very quickly. There are many active springs in the hills behind Ascott and capturing the water on or near the site by various means is a more modern and enlightened approach to flood management.

In this proposal we welcome

- the proposal of block paving to replace the tarmac road as long as it is laid on a permeable base,
- the proposal of a soakaway behind No 18 Maple Way,
- the fact that the mature field hedge, south of the site, is retained in the plans because roots of trees and hedges (especially when mature) act as soakaways and increase the

permeability of clay soil.

We strongly request that a soakaway is installed behind the gardens of 15 and 14 Dawls Close. No 15 has suffered waterlogging behind its back wall and damp inside the house and No 14 waterlogging in the garden. We also ask that the contractors are made fully aware of the critical importance of the field boundary hedge so that it is not accidentally removed in parts.

Environment

The planting in the Cotswold AONB is an integral part of its character and this is another reason for retaining the field hedge which acts as a wildlife corridor to animals such as hedgehogs.

Car Parking during and after construction + Construction Access

We refer to all points made under No 4. of our letter dated 20 September 2016 as the amended plan does not address these issues.

Conclusion

Ascott-under-Wychwood strongly objects to the amended proposals for development of 6 houses on the site of the garages behind 18 Maple Way because the proposed layout is overbearing, overshadowing, overlooking and not in keeping with the rural nature of Ascott-under-Wychwood, a small village in the Cotswold AONB. We ask the developers and planning officers to devise a plan which achieves an orientation in line with the existing properties. Whichever way the new houses are sited they will not be as close to the B3347 as the properties in Orchard Way (which have no screening at the back) and if the mature hedge is retained (as is stated in the plans) it will soften the building line of the new development and retain the rural character.

I.3	WODC Drainage Engineers	No objection subject to condition
I.4	OCC Highways	No objection subject to conditions
I.5	WODC Architect	No objection subject to condition
I.6	ERS Env Health – Uplands	Consultee ERS Public Protection I note there is no noise report attached to the application. I am aware of the railway line to the village but not of any other highway or commercial/industrial noise source which may impact the site by noise.

In any event these new homes should be designed and constructed to a high or 'good' design criteria to accord with clause 7.7.2 of BS 8233:2014 Guidance on sound insulation and noise reduction for buildings

Below are desirable internal ambient noise levels for each dwelling:
Location 07:00 to 23:00 23:00 to 07:00

Living room 35 dB LAeq 16, hour n/a
Dining room 40 dB LAeq 16, hour n/a
Bedroom n/a 30 dB LAeq 8 hour

1.7 Ecologist No Comment Received.

2 REPRESENTATIONS

2.1 Nine objections to the scheme have been received on the following grounds:

Residential amenity

2.2 The terrace block will overlook the gardens of 18, 16, 14 Maple Way
The terrace block will overshadow the gardens to north
What plans have been put in place by the developer to reduce noise and disruption whilst the garages are dismantled and removed and new building materials are brought in?
Residents of Dawls Close and Maple Way are elderly and have nowhere to go to escape the constant noise and general disruption which will take place during the development
These proposals afford no privacy for new and existing residents

Design

2.3 Should be oriented the same way as Maple Close
Will restrict our view of the fields
Artists impression is not to scale and is misleading as it gives the impression that there is plenty of space around the development - the reality will be too many houses - too many residents in a small space
I am concerned that the "turning point" between detached properties could later be proposed as an access road for future development if the field behind were to be sold

Highways

2.4 Will increase traffic in this quiet close
roadside parking will increase
loss of garages will increase parking in Maple Way
Will restrict emergency access to Orchard Way
Covenant in Maple Way restricts parking in front gardens - would be sensible to allow dropped kerbs and parking top the front of houses 12-18 Maple Way.
Increase in parked vehicles will aesthetically spoil the rural outlook in a village designated to be in an AONB
We are losing a garage and they are providing us with parking spaces but it will result in us losing garden and we are worried about water run off due to the loss of the garden to soak up the rain.

Drainage

2.5 Will increase the risk of flooding
Surface water does not seem to drain away
There is already excess water in the neighbouring gardens , the proposed soak away will just exacerbate this situation

The test holes made in the garage exterior floor already indicated a slow water drainage to which need to be looked at again.

Other

- 2.6 We have an amazing ecology of wildlife, birds, Bats, Owls and Hedgehogs their habitat will be removed and once this has been destroyed the wildlife will be destroyed with it
We have the benefit of very little street lighting which gives us great night skies, the new developments could impact on this if due consideration is not given
Cottsway have not engaged with the local community before applying for planning as they were advised

Six further letters of objection received after the receipt of amended plans on following grounds:

- 2.7 The revised proposal does not address our concerns
It fails to protect the privacy of the neighbouring properties
It is a token amendment
It is unneighbourly and also fails to meet your own policies set out in BE2
They failed to follow the correct consultation process , have not involved the local neighbours in the planning or engaged with us in any way to understand the needs of the local residents
Moving the windows doesn't make it any more acceptable, will still result in overlooking
Strongly hold the belief that the proposed development is not fit for purpose and needs to be reconsidered so that any future development is fit for purpose and in keeping with a very proud and well kept neighbourhood.
The bulk of the units should be on the south east side of the site

- 2.8 One letter of support summarised as follows:

I am in support of the provision of affordable housing in the area.
Believe the additional housing will have a positive impact on the village and the area in general.
Care should be taken to ensure that children can play out safely so visibility for both driver and pedestrian should be considered carefully.

3 APPLICANT'S CASE

- 3.1 The applicants agent has supplied the following additional statement since the November committee:

We have assessed the proposal against the relevant Local Plan policies which relate to neighbour impact. Policy H2 relates to general residential development standards and advises that development should not create unacceptable living conditions for existing and new residents. Emerging policy OS4 similarly advises that development should not harm the use or enjoyment of land and buildings nearby including living conditions in residential properties. The National Planning Policy Framework provides similar advice that development proposals should provide a good standard of amenity for all existing and future occupants of land and buildings.

We note that the Council do not have any Supplementary Planning Documents or Supplementary Planning Guidance which provide specific guidance on neighbour amenity issues.

As you are aware amended plans were submitted at the request of the Council to amend Plot 1 to show the rear facing bedroom window removed and a rooflight to replace the bathroom window.

The windows on plot 2 are 16 metres from the rear windows on 18 Maple Way and 23 metres from the rear windows on 16 Maple Way and any views would be at an oblique angle; therefore there would be no harm through overlooking. The windows on plots 3-4 are further away than plot 2 and therefore for the same reasons would not result in overlooking.

The windows on the proposed dwellings would face towards the garden area of 18 Maple Way, however there is a separation distance of at least 6 metres to the southeast side boundary of 18 Maple Way which increases to 18 metres at the furthest northwest side boundary. Given these separation distances there would be no unacceptable level of overlooking of the rear garden. Furthermore as mentioned in the committee report bedroom windows are not considered to be habitable rooms for the purposes of overlooking, neither is this part of the garden the principle private amenity area. 16 Maple Way is located further away from the proposed development than 18 Maple Way and for the same reasons there would be no harm to the occupiers of this property either.

Given the separation distance of 6 metres between the rear elevation of the proposed new dwellings and the side boundary to number 18 Maple Way, and additional planting in the rear gardens which will soften the impact of the built form, there would be no harm through overbearing impact. Furthermore the massing of the buildings is reduced by the design which has low eaves heights. Number 16 Maple Way is located a greater distance from the proposed new development and has additional screening from an existing Willow tree, as such the proposal will not result in an overbearing impact to the occupiers of this property either.

Given the orientation of the proposed new dwellings to 16 and 18 Maple Way there would no unacceptable impact though loss of light.

To summarise the proposal will not result in harm to the neighbour amenity of the occupiers of 16 and 18 Maple Way, or any other neighbouring property.

We would like to take this opportunity to summarise the proposal. The proposed development will provide much needed affordable housing, the Council's housing officer has confirmed that there is a need for such properties within Ascott and that there are eligible candidates on the housing waiting list, this is a significant benefit of the scheme which should be afforded significant weight. The proposal will also boost the supply of housing within the District as required by the National Planning Policy Framework. The proposal is well designed, respects local character, protects neighbour amenity and provides good levels of amenity for the future occupiers of the site. Furthermore there is sufficient access and parking facilities.

We are disappointed regarding concerns raised at the meeting about an apparent lack of pre-application consultation by the Applicant. Cotsway Housing Association carried out community consultation work and sought pre-application advice from the Council before the application was submitted. The comments received were carefully considered in the design process. The community involvement and pre-application advice carried out by Cotsway Housing Association complies with the advice in the Council's Statement of Community Involvement.

4 PLANNING POLICIES

- 4.1 BE2 General Development Standards
- BE3 Provision for Movement and Parking
- NE4 Cotswolds Area of Outstanding Natural Beauty
- H2 General residential development standards
- H5NEW Custom and self build housing
- H12 Affordable housing on rural exception sites

T1 Traffic Generation
T2 Pedestrian and Cycle Facilities
OS2NEW Locating development in the right places
OS4NEW High quality design
EH1NEW Landscape character
H2NEW Delivery of new homes
H3NEW Affordable Housing
T3NEW Public transport, walking and cycling
T4NEW Parking provision
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 The site is on the south western side of Ascott Under Wychwood which is within the Cotswolds Area of Outstanding Natural Beauty. The proposal seeks consent for the erection of 6 no. affordable houses on a garage court. It is adjacent to existing two and single storey residential development with open countryside to the south east.
- 5.2 Members requested a site visit at November committee to view the proposals. The only changes to the report are at paragraph 3.1 Applicants Case, and paragraph 5.2 Principle (Housing Land Supply).
- 5.3 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
Principle
Siting and Design
Highways
Residential Amenities
Landscape

Principle

- 5.4 The proposal is for the demolition of 21 garages and a parking area (and some land reclaimed from adjacent gardens) and erection of 2 no. detached properties and a terrace of 4 two storey properties.
- 5.5 Ascott under Wychwood would have historically fallen under policy H5 of the WOLP 2011 which allows for infilling and conversion of appropriate existing buildings. However, as the Council has not been able to demonstrate that it has a 5 year supply of deliverable housing sites, relevant local plan policies for the supply of housing cannot be considered up to date. Housing applications within the District therefore need to be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of The Framework says that for decision taking where relevant local plan policies are out of date, this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in The Framework taken as a whole. In light of the above and given that the site is located within the built up limits of the village on previously developed land, redeveloping the site for six dwellings is considered acceptable on balance.

- 5.6 The application is for 6 affordable units. The Housing Enabling officer has confirmed that there is a need for such properties within Ascott and that there are eligible candidates on the housing waiting list. The units will be secured as affordable in perpetuity by legal agreement.
- 5.7 Given the above it is considered the principle of development is acceptable.

Siting, Design and Form

- 5.8 The proposal is for a terrace of two storey two bed dwellings along the line of the existing garages and two detached dwellings opposite, also on the line of existing garages. The proposals are for fairly vernacular buildings to be constructed in materials appropriate to their setting. The heights of the buildings are 9.4m high for the terrace and 7.9m for the detached properties.
- 5.9 The proposals are considered to be acceptable in terms of their siting, form and design, in accordance with policies.

Highways

- 5.10 The proposal will result in the loss of 21 garages in total. Officers have requested a breakdown of the current garage use of which 12 are leased and 9 are empty. Of those garages in use, the breakdown is as follows:
Leased by people in Maple Way 2
Leased by people in the village 6
Leased by people outside village 4
- 5.11 It is not considered that the loss of the garages will result in unacceptable levels of on street parking for existing residents as the garages are only used by 2 households in Maple Way.
- 5.12 Furthermore, OCC as Highway Authority have raised no objection to the scheme subject to conditions. There is sufficient parking for the proposed dwellings and two dedicated parking spaces each for 16 Dawls Close and 18 Maple Way. On that basis the proposals are considered to be in accordance with policy. The Parish Council and several residents have raised the matter of a covenant on the front gardens of properties in Maple Way preventing them being used for parking of vehicles. This matter could be pursued separately by local residents and WODC but should not have a bearing on this application.
- 5.13 Flooding has been raised by local residents and the Parish Council as an issue in the vicinity. The District Drainage Engineers queried the information submitted and requested further information which has been provided by the applicant and has satisfied the engineers. Conditions regarding sustainable drainage have been attached to the recommendation.

Residential Amenities

- 5.14 There have been several objections on the grounds of overlooking from existing residents. Officers had initial concerns regarding perception of overlooking of the private amenity space to the rear of no. 18 Maple Way from first floor windows of plot 1. Following receipt of amended plans showing the rear facing bedroom window removed and a rooflight replacing the bathroom window the proposal is now considered to be acceptable. The distance between the rear first floor windows of the proposed dwellings 2-4 to the garden of no. 18 Maple Way is 6m and to

the rear windows (at an oblique angle) is 16m. It is not considered to be overbearing because it is set off the boundary.

- 5.15 For reference, the distance from the first floor bedroom windows to the middle of the garden of is 16m but this is not considered to be private amenity space as it is some distance from the house (Maple Way properties benefit from relatively long gardens in relation to current standards) and bedroom windows are not considered to be habitable rooms for the purposes of overlooking. The distance between the first floor bedroom window of plot 4 and no. 16 Dawls Way is over 21m.
- 5.16 The proposed houses are to the south east of Maple Way and are not considered to have a detrimental impact on available sunlight due to their orientation. The garden of no. 18 may be slightly in shadow in the morning but from mid to late morning the sun will have past the ridges of the terrace. The properties in Dawls Close will not lose any light as they are south of the development. On that basis it is not considered that the proposals will result in unacceptable harm to adjacent residential amenity.
- 5.17 Objections have been received from local residents regarding the inappropriate siting of the buildings. We have to consider this application on its merits and it is not for the Local Planning Authority to design schemes. In your officers opinion this scheme is acceptable in terms of neighbour amenity.

Landscape

- 5.18 The village of Ascott is within the Cotswolds AONB. This site is within the built up limits of the village and will not encroach into the countryside and in that regard it is not considered to have substantial or less than substantial harm on the special landscape character of the AONB. It is considered to be in accordance with policies NE4 and EHI.

Conclusion

- 5.19 The proposal will provide much needed affordable housing on an area of land that has previously been developed. It is considered to accord with local plan policies and the provisions of the NPPF. It will be secured as affordable housing in perpetuity by S106.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 26.9.16.
REASON: The application details have been amended by the submission of revised details.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions; outbuildings or windows, other than those expressly authorised by this permission, shall be erected or installed.
REASON: Control is needed to protect neighbour amenity
- 4 The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 5 The external walls of the dwellings shall be constructed with facing brick, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.
REASON: To safeguard the character and appearance of the area.
- 6 The roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.
REASON: To safeguard the character and appearance of the area.
- 7 The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure the architectural detailing of the building reflects the established character of the locality.
- 8 Prior to the first use of the development hereby approved, details of waste bin storage and collection (including construction and layout) shall be submitted to the Local Planning Authority for approval. Thereafter, and prior to the first occupation of the development, the waste storage and collection areas shall be constructed in accordance with the approved details and shall be retained for the storage and collection of waste at all times thereafter.
REASON: In order that proper arrangements are made for the disposal of waste, and to ensure the National Planning Policy Framework.
- 9 Prior to the commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) for the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the plan shall be implemented in accordance with the approved details.
REASON: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times
- 10 Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities for 2 cycles per household shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.
REASON: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

- 11 No highway work shall begin until details of the junction between the proposed road and the highway have been submitted to and approved in writing by the Local Planning Authority, and no building shall be occupied until that junction has been constructed in accordance with the approved details.
REASON: In the interests of road safety.
- 12 No dwelling shall be occupied until the vehicular accesses, driveways, car and cycle parking spaces, turning areas and parking courts that serve that dwelling has been constructed, laid out, surfaced, lit and drained in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of road safety
- 13 Bat and bird boxes shall be installed in accordance with details including phasing that have been submitted to and approved in writing by the Local Planning Authority before development commences.
REASON: To safeguard and enhance biodiversity.
- 14 Prior to the commencement of development, the developer must submit details for agreement in writing by the Local Planning Authority of evidence that every premise in the development will be able to connect to and receive a superfast broadband service (>24mbs). The connection will be to either an existing service in the vicinity (in which case evidence must be provided from the supplier that the network has sufficient capacity to serve the new premises as well as the means of connection being provided) or a new service (in which case full specification of the network, means of connection, and supplier details must be provided). The development shall only be undertaken in accordance with the said agreed details which shall be in place prior to first use of the development premises and retained in place thereafter.
REASON: In the interest of improving connectivity in the District.

NB Council will be able to advise developers of known network operators in the area.

- 15 That, prior to the occupation of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Policy Statement 25 Technical Guidance).

NOTES TO APPLICANT

- 1 New homes should be designed and constructed to a high or 'good' design criteria to accord with clause 7.7.2 of BS 8233:2014 Guidance on sound insulation and noise reduction for buildings. Below are desirable internal ambient noise levels for each dwelling:
Location 07:00 to 23:00 23:00 to 07:00
Living room 35 dB LAeq 16, hour n/a

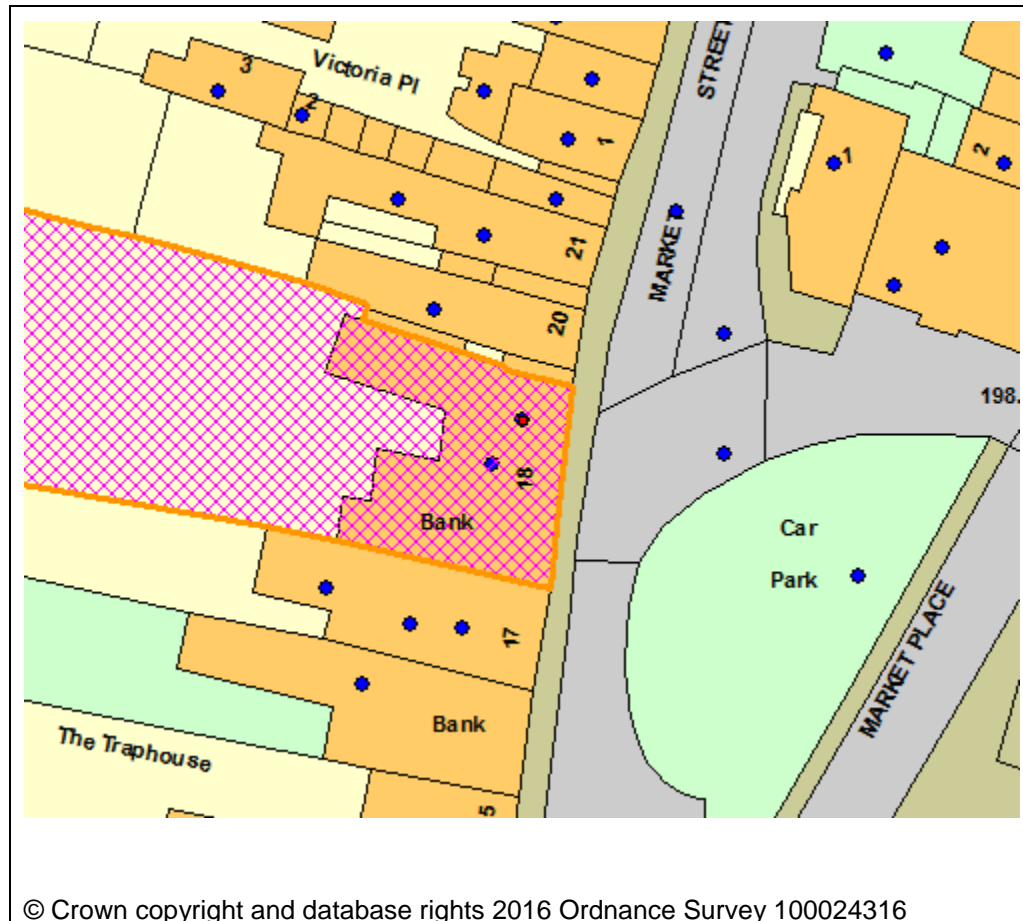
Dining room 40 dB LAeq 16, hour n/a
Bedroom n/a 30 dB LAeq 8 hour

- 2 The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
 - Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
 - Code for sustainable homes - A step-change in sustainable home building practice
 - Version 2.1 of Oxfordshire County Council's SUDs Design Guide (August 2013)
 - The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
(follow
link <https://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/environmentandplanning/flooding/FloodStrategyActionPlan.pdf>).
 - CIRIA C753 SuDS Manual 2015

- 3 The road into the development will require a new access from The Orchard. This will need to be the subject of a Section 278 Agreement, which can be progressed by contacting the OCC Road Agreements Team at roadagreements@oxfordshire.gov.uk

Application Number	16/03115/FUL
Site Address	19 Market Place Chipping Norton Oxfordshire OX7 5NA
Date	23rd November 2016
Officer	Joanna Lishman
Officer Recommendations	Refuse
Parish	Chipping Norton Town Council
Grid Reference	431296 E 227096 N
Committee Date	5th December 2016

Location Map



Application Details:
Erection of office building.

Applicant Details:

The Phone Co Operative
Mr Vivian Woodell
The Phone Co-op
19 Market Place
Chipping Norton
Oxfordshire
OX7 5NA

I CONSULTATIONS

- | | | |
|-----|-----------------------------|--|
| I.1 | OCC Archaeological Services | Conditions. |
| I.2 | WODC Architect | They have worked very hard to reduce the impact of this building - and thus we are presented with a low-lying flat-roofed structure, partly sunk into the ground. The design is clean and unashedly contemporary, and quite successful in itself. However, it remains a very sizeable structure (with a footprint rivalling that of the existing building) and it would supplant a large area of wooded garden, part of a significant strip of greenery between the buildings along Market Street and Finsbury Place, which in my view makes an important contribution to the Conservation Area. |
| I.3 | OCC Highways | Oxfordshire County Council, as the Local Highways Authority, do not wish to object to the granting of planning permission for the above planning application, subject to conditions. |
| I.4 | ERS Env Health – Uplands | <p>Consultee ERS Public Protection I have now reviewed the additional advice on the potential noise impact of the server ventilation, heat pump plant and mechanical vent and heat recovery system provided by the applicant for this proposal.</p> <p>I conclude that I am content to accept the comments on noise emissions and would not expect any detriment to the amenity of neighbouring residential properties by the noise data/figures presented herein. In conclusion, I have no objection to the application on noise grounds and have no noise conditions to recommend.</p> |
| I.5 | WODC Rural Development | No Comment Received. |
| I.6 | Town Council | No objection. |
| I.7 | Biodiversity Officer | Implementation of section 6 of the ecological report would be sufficient in this instance. No protected species issues, but a precautionary approach is recommended due to the low potential for roosting bats. Recommendations also include enhancement measures. Standard condition for implementation of recommendations in section 6 of the report should be attached to a planning consent. |

2 REPRESENTATIONS

2.1 One letter of objection has been received from the direct neighbour, no.17 Market Place who is also the owner of no.11 Finsbury Place, at the rear of the site. The objections are summarised as follows:

1. The area is currently residential in nature, both sides and the bottom of the garden are occupied residentially, therefore these proposals would fundamentally change the character of the area.
2. As you are aware this is a conservation area and number 19 is a locally listed building. We believe the proposal would impact the setting of the building (indeed the adjoining areas).
3. We are concerned about the impact on our quality of life and privacy. We have owned this property since 1994 and our garden has been residentially used and maintained all that time.
4. We feel both our house (17 Market Place) and our other property (11 Finsbury Place - at the foot of the garden proposal) will be adversely affected by noise of the office workers.
5. Finally we already have huge problems with parking so this development would only exacerbate those.
6. We realise the phone coop is ecologically minded and very pro the local community there is no such guarantees that future occupants would be so accommodating.

2.2 One letter of support from a local resident refers to highway concerns:

I am broadly in favour of this - it gives the Phone Co-op a solid base in town which will be good for town businesses and for the Co-op's employees. However as a neighbour in I have an issue with daytime parking - Spring St is already providing parking for many people working in the town. I know that the Phone Co-op will encourage people to walk, cycle and use public transport as much as possible and being in the centre of town will make that easier than the company's current location. But at the same time adequate provision must be made for those who have no choice but to drive to avoid increasing the pressure on residential parking.

2.3 Seventy-six letters of support have been received. It is noted that many are customers of the Phone Co-op from outside Chipping Norton. The comments are summarised as follows:

1. making use of a building that has been unused for a long time.
2. all of the staff who live in Chippy would be walking to work instead of driving down to the industrial estate which can only be a good thing.
3. The extension at the back of the building will use what is currently completely dead land.
4. It will be of benefit to the town to have a building that is designed to operate in a very ecologically friendly way and would stand as an exemplar to other office designs.
5. Centrally located office will help staff recruitment.
6. Local employees will be able to walk to work and make use of the town facilities during their lunch break and end of the day.
7. The new extension will incorporate innovative and ecologically sound design
8. The design of the new extension will fit within the existing town scape,
9. Makes good use of local materials
10. Is respectful of neighbours.

3 APPLICANT'S CASE

- 3.1 The statement below is the Executive Summary from the submitted Planning Statement.
- 3.2 This Planning Statement is submitted in support of a full planning application for construction of a new office building and private amenity space on land to the rear of 19 Market Place, Chipping Norton. The office building is predominantly single storey in height but with the western aspect of the development containing a subterranean meeting room. The palette of materials used in construction include natural stone, timber, high levels of glazing and a sedum roof. These materials ensure that the development is able to integrate into its locality but also to ensure a highly energy efficient and modern working environment.
- 3.3 The application site measures approximately 0.11ha in area and comprises of 19 Market Place and land to its rear. The existing three storey property is currently used for commercial purposes and occupies a prominent position within the heart of Market Place. Although not statutory listed, the existing property is within the Chipping Norton Conservation Area and is also subject to a local listing. Further commercial premises are located immediately adjacent to the application site; while residential properties are located to the west. The application site is situated within the Cotswold Area of Outstanding Natural Beauty, although land to the rear of 19 Market Place is not considered to make a significant positive contribution to this designation; containing existing unkempt soft-landscaping, including overgrown hedgerow and a number of trees. Ultimately such heritage and landscape considerations have been factored into the design of this proposal in order to deliver a development that positively contributes to this locality.
- 3.4 In advancing this application, regard has been had to the development plan which comprises of the saved policies of the West Oxfordshire Local Plan (2011) as well as the Chipping Norton Neighbourhood Plan (2016).
- 3.5 Policy E3 of the West Oxfordshire Local Plan (2011) allows for the development of individual employment sites within or adjacent to defined settlements, including Chipping Norton. Such proposals are required to be commensurate in scale and character to the locality. As identified, the adjoining premises are commercial in nature and, as such, the proposed office development will conform to the existing character of Market Place. With respect to the scale of development, the office development is predominantly single storey in nature. The rationale for this approach is to ensure no adverse impacts to identified heritage assets and to ensure that the proposal does not form a dominant feature within the wider streetscape. To that end, the subservient nature of the scale of development is considered compatible with policy E3.
- 3.6 Linked to the above, policy MP2 of the Chipping Norton Neighbourhood Plan supports office developments where the impact upon the AONB and neighbouring properties is acceptable. The subservient scale of the development ensures no detrimental impacts to neighbouring residential and commercial premises. Furthermore, the predominantly single storey nature of the site as well as the sedum roofing, ensures that views into and out of the AONB are unaffected by the proposal.
- 3.7 While the overall principle of development of commercial development is considered compliant with the development plan, careful consideration has been given to heritage and landscape issues. Saved policy BE5 requires developments to preserve or enhance conservation areas while BE8 states that proposals should not detract from the setting of listed buildings. The Conservation Area Management Plan does not identify land to the rear of 19 Market Street as a

significant green space to the heritage asset although views north and south of Market Street are considered to be important. To that end, the development will preserve the conservation area by not detracting away from identified important vistas. Furthermore, the low level nature of the proposed office building, ensures that views of the statutory and locally listed buildings are unaffected. In connection with the office development, it is considered that the improved soft-landscaping will positively enhance the locality and thus make a beneficial contribution to the heritage assets. Accordingly, the proposal is aligned to the requirements of policies BE5 and BE8.

- 3.8 Ultimately, the new office space has been designed to be subservient to the adjacent statutory and locally listed buildings. Alongside the accompanying improvements to the soft-landscaping of the site, the overall development preserves and enhances key heritage assets while maintaining a scale and character that is compatible with the surrounding uses. Alongside this, there are substantial benefits associated with the development. It will create employment within this locality and the application site is situated within a highly sustainable location; being accessible by a means of sustainable modes of transport. Environmental considerations have also been at the forefront of the design rationale, with the proposal delivering numerous environmental benefits through the use of a green sedum roof and the building's orientation maximising solar gain as a means of reducing energy consumption. The use of sustainable design methods positively responds to the Government's objective of moving towards a low carbon future and creating new developments that have a greater resilience to a changing climate. Net gains can also be secured in biodiversity through soft landscaping and the green sedum roof proposed as part of this application.

4 PLANNING POLICIES

- 4.1 BE2 General Development Standards
BE3 Provision for Movement and Parking
BE5 Conservation Areas
E7 Existing Businesses
NE4 Cotswolds Area of Outstanding Natural Beauty
NE15 Protected Species
EH7NEW Historic Environment
EH1NEW Landscape character
EH2NEW Biodiversity
OS2NEW Locating development in the right places
OS4NEW High quality design
E1NEW Land for employment
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 This application seeks planning permission for the erection of an office building to the rear of 19 Market Place in Chipping Norton. The application is before the Uplands area Sub Committee due to the Town Council having no objections to the scheme. The officer recommendation is to refuse the current scheme.

Background Information

- 5.2 The main premises, fronting Market Place, comprises a three-storey substantial and locally listed building within the Chipping Norton Conservation Area. It is also within the Cotswold AONB. The building is currently vacant but for HSBC bank using 1/3 of the frontage of the building known as no.18).
- 5.3 The application site is 0.11ha located to the rear of the building. It is an unused but significant area of greenery contributing visually to the character of the Conservation Area. There are several large Sycamore trees on site.
- 5.4 The applicants (The Phone Co-op) seek additional office space over and above that which is able to be provide in the main building. The proposed office building to the rear will provide 367sqm of office space covering 262sqm of the rear of the site. Part of the building will be subterranean. Access is through the main building.
- 5.5 It is envisaged that the building will provide office accommodation for 30 full-time employees with the remainder of the company (30 employees) located in the existing three-storey building which will provide 308sqm of office space. The company's existing premises (6,000sqm) are located at Elmsfield Business Centre. The lease on the existing premises will not be renewed beyond July 2017.
- 5.6 The building is flat-roofed and proposed to be constructed of natural stone, timber, high levels of glazing and a sedum roof.
- 5.7 The area around the building is proposed to be landscaped and used as outdoor amenity space.
- 5.8 The proposal does not include car parking provision. Ten secure cycle parking spaces are provided to the rear of the main building.
- 5.9 Relevant planning history is detailed below:
- 15/02503/FUL - Office to retail (part front ground floor) - approved August 2015.
15/02506/FUL - Conversion of existing offices to create 5 flats together with associated works - approved at Committee in September 2015.
16/02883/FUL - Second floor rear extension to roof - approved October 2016.
- 5.10 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle
Design, scale and siting and Impact on Heritage Assets
Impact on Amenity
Access and Highways
Ecology
Trees

Principle

- 5.11 The Local Plan 2011 is time expired and subject to a saving direction. The extent to which its policies can be considered up to date, and the weight to be attached to them, will depend on the degree to which they are consistent with the NPPF.
- 5.12 The application site is within Chipping Norton which is classed as a Service Centre. The proposed development is in connection with relocation of an existing Chipping Norton-based company seeking alternative premises. The LPA supports the principle of expanding existing premises within or adjacent to Service Centres as defined by adopted WOLP Policy E7 and emerging WOLP Policy E1. The general policy approach is in line with the NPPF's aim of facilitating support for economic growth.
- 5.13 The adopted and emerging Local Plans seek new provision for the expansion of existing employment sites through new buildings which are commensurate with the scale of the town and character of the area.

Design, Scale and Siting and Impact on Heritage Assets

- 5.14 The L-shape building has been designed to appear low-key on the site, however despite appearing single storey, (predominantly 3m in height) its footprint and hard landscaped areas for sitting out are substantial for the site, competing with the footprint of the main building. The building is two-storey at the rear with the 6m high rear elevation located being a 7m high retaining wall with metal fence above. This is proposed in place of the existing retaining wall within 1.4m of no.11 Finsbury Place.
- 5.15 The applicants have submitted an application for the removal of two previously pollarded Sycamore trees (1&2) which are within the root protection area of the building.
- 5.16 Paragraphs 132 to 134 of the NPPF require an assessment to be made to determine as to what extent a development would cause harm to heritage assets. Section 72 of the Listed Buildings and Conservation Areas Act 1990 also requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 5.17 Your officers are of the view that the contemporary design is acceptable and successful in its own right. However, the siting of this scale of building in this location, including its large scale retaining walls, would not be commensurate with the character of the area, impacting on the character of the site due to the removal of most of the trees and failing to either preserve or enhance the character and appearance of the Conservation Area and the setting of the locally listed building.

Impact on Amenity

- 5.18 Following on from the design and siting referred to above, the building and outdoor seating areas would be located within 5m and 2m respectively of the residential dwellings at no.11 Finsbury Place and within 1m of the boundary with no.17 Market Place. It is not clear whether the land associated with no.20 Market Place is in commercial or residential use. Notwithstanding this, the proposed building would again be within 1m of the boundary.

- 5.19 The neighbouring properties are likely to be affected by this proposal during construction and long-term through the intensification of the use of the site and the resulting amenity impacts.
- 5.20 The 3m high elevations above ground adjacent to nos.17 and 20 are proposed to be screened by a 4m high boundary wall. The current boundary treatment of drystone walling will be removed and replaced with large scale walls twice the height of the existing walls.
- 5.21 The 3m deep subterranean section is within 1m of the boundaries with nos.17 and 20, within 3.2m of the boundary with Finsbury Place. The Design and Access Statement refers to the construction period and the issue of access. The preferred option for large material deliveries and spoil removal is to use Finsbury Place. Small deliveries and concrete can be pumped through the front of the building.
- 5.22 Retrospective repair work to the stone wall has been agreed by the applicants at the end of the construction period. A draft Construction Plan has been submitted. The applicants envisaged 2 weeks disruption to the residents of Finsbury Place. The key points of the Construction Plan are:
1. All spoil will be stock piled onsite, and only removed from site when enough spoil to fill 5 wagons, this will reduce the amount of time tipper wagons are on site
 2. All loading will be via a 360 excavator.
 3. 10 wagons a day, over a 4 day time frame will be required to remove spoil off site.
 4. We will be sympathetic to local residents, and trucks will operate between 9.00am and 4.00pm.
- 5.23 With regard to noise, the scheme proposes the following mechanical and electrical systems having the following noise impact:
- (This already assume a background noise level of 40 dB(A))
- a. Mechanical Ventilation and Heat Recovery system are designed and installed to meet targets of less than 35 dB(A)
 - b. Air Source Heat Pump less than 42 dB(A) at the nearest property
 - c. Server ventilation less than 42 dB(A) at the nearest property
- 5.24 The Environmental Health Officer has concluded that he would not expect any detriment to the amenity of neighbouring residential properties by way of the noise data presented. However, once completed the significant strip of greenery between the Finsbury Place properties and the rear of the Market Place properties will be lost with the site becoming fully developed and intensified in its use as a commercial office development, providing office accommodation, internal and external for in the region of 30 employees. The outdoor area can of course be used by all the employees in both buildings at any given time. Consequently, your officers are of the view that whilst the site can accommodate some small scale development to the rear, the scale of development proposed, including extensive excavation and resulting level of day-to-day activity, is not acceptable in this location given the proximity and resulting harm to the neighbouring occupants.

Access and Highways

- 5.25 The applicants have been located on the edge of Chipping Norton for a number of years. The company currently employs 57 staff, of which the Transport Statement confirms, the majority are local to the area.
- 5.26 The submitted Transport Statement states that the existing office building (stated as 412sqm) would generate a requirement for around 8-10 car parking spaces throughout a typical day. The Highway Officer has calculated that the proposed new building would generate the need for 6 car parking spaces. Therefore the use of the existing office building together with the proposed office building would be between 14-16 car parking spaces. It is noted that the extant permission for 5 flats was calculated to generate a need for 7 spaces.
- 5.27 The applicants propose that in order to reduce the impact of the proposed move of The Phone Co-op into Chipping Norton, it is proposed that a Travel Plan will be implemented by the company. This will seek to ensure that single occupancy vehicle trips are reduced to a level that is typically no more than 12 vehicles.
- 5.28 The Highway Office confirms that the parking standards do not apply until a BI space passes a threshold of 500m², therefore the parking standards would not be applied. The officer notes that parking for employees in any central high street location can be an issue, however, given the fact that all the surrounding businesses will be in the same situation, it is concluded that the impact from this proposal will not have a detrimental impact upon the surrounding highway network, from a traffic and safety point of view.
- 5.29 Parking in Chipping Norton can be found in New Street, in the Market Square and Sainsburys, however, it is reasonable to believe that some employees would get the bus or walk to work, so would not require a parking space.
- 5.30 Cycle storage is also provided as part of the application. Cycle access is from Market Place via an alleyway to the side of the building.
- 5.31 Disabled access to the office is via a platform lift located under the solar pergola.
- 5.32 Despite the Highway Officer comments, taking the proposed building together with the existing building, your officers consider that use of this site by the company proposed and future occupiers, who may be less environmentally inclined, will introduce an intensity to the site which may be detrimental to the vitality and viability of the town centre by way of the increased pressure for car parking.

Trees

- 5.33 The building appears to have been sited so as to have least impact on the existing trees on the site. Your officers are of the view that these trees do contribute to the character and appearance of the Conservation Area and the setting of the historic buildings beyond.
- 5.34 A previous tree application has been approved for pollarding the Sycamore trees (T1 and T2).
- 5.35 A further application for the removal of 3 smaller Sycamore trees (T4, T5 and T6), and the apple tree (T3) has been approved and the works have since been carried out.

- 5.36 The current application seeks to remove the now pollarded Sycamore trees (T1 and T2) completely. The applicants state this is primarily due to over shading to the gardens of 19 Market Place and neighbouring properties. It is proposed that these will be replaced with a selection of species suited to the garden. A line of pleached Hornbeams will provide screening.
- 5.37 The Tree and Landscape Officer sought clarification on the tree pollarding and removal and is satisfied with the information provided. The officer made reference to the mention of a landscape design being prepared that would compensate for the loss of vegetation. The information submitted in the Landscape Plan demonstrates an attractive and useable space within the site however it, together with the tree removals, is unlikely to make a contribution to the character or appearance of the wider surroundings.

Ecology

- 5.38 The Ecology report concludes that no statutory designated sites are considered likely to be affected by the proposed development and therefore no specific mitigation is required.
- 5.39 In order to deliver net enhancement of the site for biodiversity, in line with the local Plan, NPPF and NERC Act (2006), the following measures are suggested in the report:
- I. The placement of between 1-2 bat boxes on the retained mature trees within the garden. Suitable bat boxes include 2F Schwegler bat box (general purpose) and/or Kent bat box (see Appendix A for design). Bat boxes should be located at a height of 4m or above in a sunny location (south or southwest side of tree).
- 5.40 The Ecology Officer is satisfied with the recommendations and in the event of approval, would recommend a condition to ensure the above mitigation is carried out.

Archaeology

- 5.41 Domestic and industrial evidence has been found in the vicinity of the burgrave plots. Therefore a watching brief would be recommended as a condition of an approval.

Conclusion

- 5.42 Taking into account all of the above matters, and those raised through third party consultations, whilst the principle of small scale development of the site is considered acceptable, the scale and siting of the development proposed, its failure to preserve or enhance the designated heritage assets, level of intensification of use of the site and the resulting impacts to the nearby residential properties, is not considered acceptable, having regard to the adopted and emerging Local Plan policies and the relevant paragraphs in the NPPF referred to in this report. As such your officers recommend refusal.

6 REASONS FOR REFUSAL

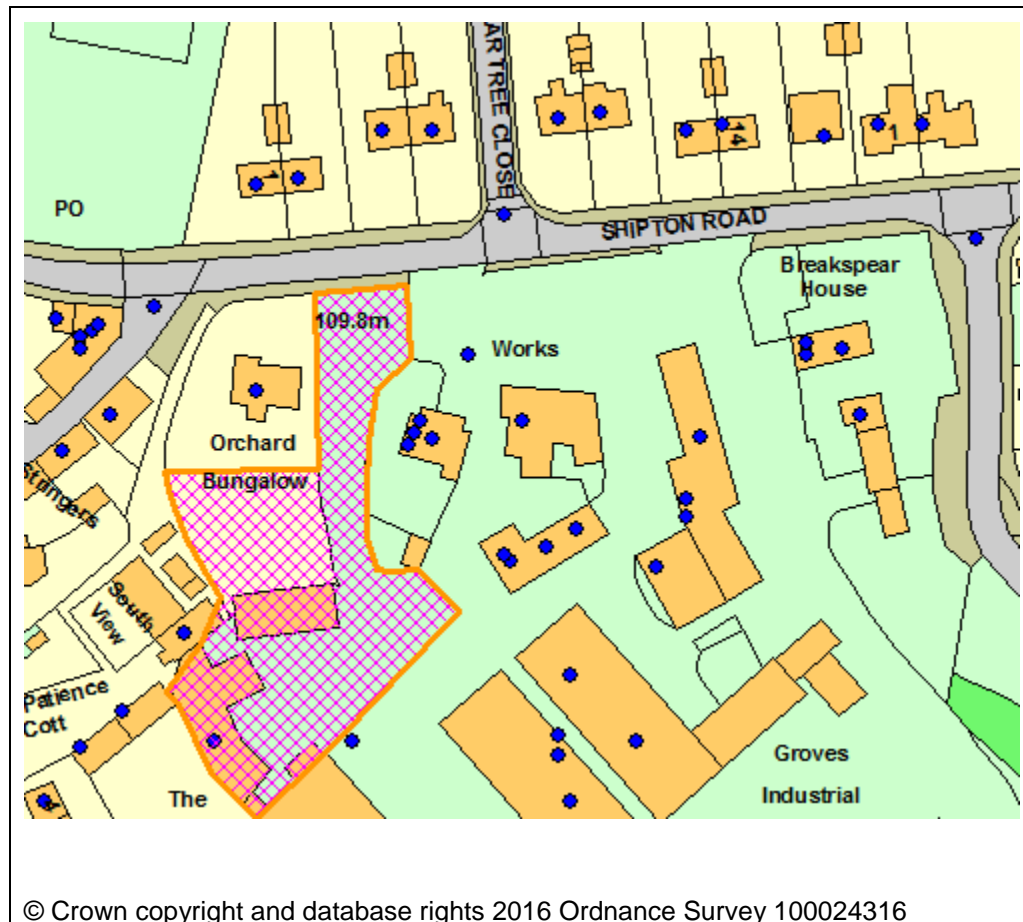
- I The development proposal by reason of its scale and siting and subsequent loss of greenery would not be commensurate with the character of the area, failing to either preserve or enhance the Conservation Area and setting of the locally listed building as a designated heritage asset. As such the development is considered contrary to adopted West Oxfordshire Local Plan

Policies BE2, BE5, E3, emerging West Oxfordshire Local Plan Policies OS2, EH7, E1 and Paragraphs 132 to 134 of the NPPF.

- 2 The development proposal by reason of its scale and intensification of use of the site in close proximity to existing residential dwellings will adversely affect neighbouring amenity both during construction and operational phases by way of unacceptable levels of day-to-day activity and disturbance as a result of poor construction site access. The boundary treatment to screen the building would also appear overbearing and out of character adjacent to the residential properties. As such the development is considered contrary to adopted West Oxfordshire Local Plan Policies BE2, E7, emerging West Oxfordshire Local Plan Policies OS2, E1 and paragraph 17 of the NPPF.

Application Number	I6/03411/FUL
Site Address	Alfred Groves And Sons Ltd Groves Business Centre Shipton Road Milton Under Wychwood Chipping Norton Oxfordshire OX7 6JP
Date	23rd November 2016
Officer	Hannah Wiseman
Officer Recommendations	Approve
Parish	Milton Under Wychwood Parish Council
Grid Reference	426714 E 218227 N
Committee Date	5th December 2016

Location Map



Application Details:

Erection of five dwellings and associated infrastructure.

Applicant Details:

Alfred Groves & Sons Limited .
Groves Business Centre
Shipton Road
MILTON UNDER WYCHWOOD
OX7 6JP

I CONSULTATIONS

- I.1 OCC Highways The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network
No objection subject to
- G36 parking as plan
- G31 drive etc specification
- G47 SUDS sustainable surface water drainage details
- I.2 WODC Drainage Engineers I agree with the outline strategy proposed in TN002 for the disposal of surface water. Please note that any layout must allow for clear and defined surface water exceedance pathways to allow water to flow from the site to the public highway to the North of the site.
Additionally, if the site is classed as a brownfield site, then WODC would seek a reduction in the rate and volume of surface water that will be evacuated from the site, especially as it appears that there is not currently a positive connection from the site to an existing system. WODC must also be informed of who the landowners will be where any communal SUDS assets are to be constructed/laid. This would include the communal private access road if it was to be laid using permeable paving, which would be feasible if the infiltration is as expected and it is to remain a private road.
Please attached a standard surface water disposal scheme pre-commencement condition to the consent, if granted.
The proposed strategy, if proven to be feasible after further site investigations, is a strategy that could be replicated if further development was proposed on another part of the site.
- I.3 WODC Architect No Comment Received.
- I.4 ERS Env Health - Uplands The proposed residential use is for sensitive use and therefore the site should be investigated for potential contaminated land to ensure that the land is suitable for the proposed use. Should approval be granted I recommend the following condition for your consideration:-

1. No development shall take place until a desk study has been produced to assess the nature and extent of any contamination,

whether or not it originates on site, the report must include a risk assessment of potential source pathway receptor linkages. If potential pollutant linkages have been identified a site investigation assessing the nature and extent of contamination will be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority

2. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority a verification report confirming that all works were completed in accordance with the agreed details. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

I.5 Parish Council

Mrs J Miller The Parish Council have no objection in principle to this brownfield, infill development, although it must be noted that the Councillors were extremely divided about the conclusion. It improves a semi-derelict industrial area and features houses that are small scale enough to be affordable.

However, we have some important points that do not appear to be properly addressed in the application.

1. Patience Cottage in The Square, is an old house and shares a party wall with an existing building on this site. There is an important risk of structural damage when the building is demolished. Patience Cottage is at a significantly lower level (about a metre) than the proposed development site. From the plan, the Cottage looks in great danger of overshadowing from the adjacent house, depriving it of natural light.

2. Poppy Row in The Square, is also attached to an existing building although to a lesser extent. The risk of damage to the property remains, but is less severe. To gain access to the site it would be necessary to use the rear garden of Poppy Row. The inevitable damage must be fully addressed.

3. There is an existing business trading from the proposed site, PH Upholstery. This business provides much needed employment in the village. We believe it is crucial that suitable alternative premises are provided by Groves in the remaining industrial site.

4. There is a joinery workshop adjacent to this site, it creates a significant amount of noise. We estimate that the 3 houses at the South of the development would be impacted by nuisance noise. A mitigation plan should be part of this proposal.

5. The adjacent wall of the joinery workshop appears to be asbestos. We expect a safety inspection of this wall.

6. There should be a substantial physical barrier between the industrial site and the residential area. We propose a stone wall in keeping with the Cotswolds AONB.

7. An existing residential building, Elms Cottage is not included within the curtilage of this scheme. We believe the scheme boundary should be extended to include this building thus creating a coherent residential area which is clearly separate from the existing industrial area.

1.6 WODC Planning Policy
Manager

The planning statement submitted by the applicant's agent downplays the economic significance of the Business Centre. One of West Oxfordshire's strengths is its diverse rural economy and the fact that sites such as the Alfred Groves Business Centre exist in villages. These sites are really important for retaining vibrant and sustainable rural communities. While accepting that the buildings to be removed to make way for the proposed development are coming to the end of their useful life, I am concerned that dwellings should not be allowed so close to the business part of the site that they start to hinder the business use. I hope that this is taken into account when assessing the application and that planning decisions acknowledge the site's primary use as an important business site in the village.

2 REPRESENTATIONS

Three neighbour comments have been received, copied below;

- 2.1 We currently reside at Patience Cottage, the Square, Milton Under Wychwood. Having recently moved into the village, we bought the cottage due to its quite, picturesque and private location. We are not against the plans on the whole, but do feel that in their existing state, they would have a sizeable impact on our property.

Our concerns for the planned development are listed below:

- We are concerned that the development will have an overbearing impact on our house. The plans don't currently state how our property would sit with the planned properties in situ. The land is considerable higher than ours and even if this was excavated we feel

that the planned properties would tower over ours. We would like to, if possible, have a street view of the planned properties with ours featured.

- As per the plans, if a fence/wall is constructed we would lose light from both the bathroom and the kitchen windows. Then we would also lose a large amount of privacy from both the front and back garden.
- We do have a concern of the adjoining wall that is currently attached to ours and to how we can be assured that all efforts will be made to preserve our existing wall.

If possible, we would really like to discuss the plans further with the architect.

We are directly affected as the buildings to be demolished form our boundary. Our main concern is that the ground level is substantially lower on our side at the end of house number unit 3 garden. One of the buildings to be demolished is attached to our 250 year old cottage by one corner. We feel the buildings will be imposing and our garden will be looked down upon by the upper floor of the new build. We would ask that you recommend that like the height of the buildings be lowered nearer to the level of the existing buildings. None of the plans showing elevations appear to take into account the different levels from our side.

At the present time our garden is completely secure, and once the buildings are demolished we would hope that our garden is made secure as a priority. We have a dog so this is imperative. Once the buildings are demolished we need assurances that the gable end of our cottage where the old workshops are attached at the corner be restored and made good.

We are obliged to object to this planning application because we are the previous owners of Patience Cottage (we sold it to the current owner in October 2016) and because we held negotiations with the architect / planner and land owner the first time this application was submitted (October 2015).

I am extremely disappointed that these previous negotiations, and our objection on the WODC planning portal regarding the previous application, have not been taken in to account. Negotiations we had regarded the boundaries of the proposed properties closest to Patience Cottage to the North East and to the South East, and verbal agreement was reached whereby the proposed boundaries would be changed. The architect was surprised to find that Patience Cottage is around 4 feet lower than the surrounding land. A 6 feet high fence at the boundary will be 10 feet high from within Patience Cottage.

Patience Cottage has 2 windows on the ground floor (kitchen and bathroom) that are directly on the proposed South East boundary. We would not be able to open the windows! As any cottage owner knows, natural light is precious. There is absolutely no way I would allow the light to be blocked through these windows.

The business unit to the South East which will require demolition, is built on to around 50% of the South East wall of Patience Cottage. This will require very careful removal and remediation of Patience Cottage outer wall. Patience Cottage is approaching 300 years old.

I am not in objection to the development of the proposed area for new housing, as long as it is affordable to our local residents. I condone "in-fill" development rather than monstrous estates being built on our precious Cotswold AONB countryside. However, I also need to state that

the removal of the current industrial buildings will leave local workers without suitable premises, and we need to be supporting our local businesses.

3 APPLICANT'S CASE

- 3.1 The applicant has submitted a planning statement which can be read in full on the Councils' Website, but is summarised with the conclusion copied below;

"SUMMARY AND CONCLUSIONS

- 3.2 Paragraph 14 of the NPPF states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF or specific policies in the NPPF indicate development should be restricted.
- 3.3 The Council cannot demonstrate a five-year supply of deliverable housing sites as required by Paragraph 47 of the NPPF. The proposed site is available now and can assist in making up the current shortfall.
- 3.4 The principle of residential development on the site, given the earlier permissions and the opportunities presented via the permitted development prior approval process, has been established.
- 3.5 Furthermore, no specific policies in the NPPF indicate that development should be restricted on the application site and this statement demonstrates that the proposal would not give rise to any significant adverse impacts which would outweigh the benefits of providing additional housing in a sustainable location.
- 3.6 The proposal would also accord with housing strategy within the emerging Local Plan.
- 3.7 In light of the forgoing, and having regard to the planning policy considerations set out above, the weight of evidence lies with a decision to approve the planning application."
- 3.8 After further requests for information regarding the uses of the units, the applicant supplied the following supporting information;
- 3.9 "Following numbering taken from plan 1426 - 202, I can confirm that:
- Units 11a, 11b and 11c are currently vacant as the condition of the building is such that it is unsuitable for letting. It is used for occasional storage by Alfred Groves.
 - Units 11 & 12 are occupied by an upholstery business on a month to month basis. The applicant has had discussions with the occupier regarding the current proposals and this dialogue will continue. The applicant is hoping that he will be able to agree terms with the occupants regarding alternative accommodation within the Alfred Groves site.
 - Unit 13 is occupied by a local farrier however the premises are not used as part of his daily business but offer storage and occasional use only. There is no formal occupation agreement in place. "

4 PLANNING POLICIES

- 4.1 BE2 General Development Standards
 - BE3 Provision for Movement and Parking
 - NE4 Cotswolds Area of Outstanding Natural Beauty
 - H6 Medium-sized villages
 - H2 General residential development standards
 - E6 Change of Use of Existing Employment Sites
 - NE13 Biodiversity Conservation
 - OS1NEW Presumption in favour of sustainable development
 - OS4NEW High quality design
 - OS2NEW Locating development in the right places
 - H2NEW Delivery of new homes
 - H4NEW Type and mix of new homes
 - T1NEW Sustainable transport
 - T4NEW Parking provision
 - EH1NEW Landscape character
 - EH2NEW Biodiversity
 - E1NEW Land for employment
- The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application site is on the southern side of the Shipton Road in Milton Under Wychwood, outside of the conservation area, but is within the Cotswolds Area of Outstanding Natural beauty. The proposal seeks consent for the erection of 5 no. three bed dwellings on a former light industrial site. It is adjacent to other residential properties and the remaining industrial site.
- 5.2 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle
 Loss of Employment
 Siting Design and form
 Residential Amenities
 Highways

Principle

- 5.3 The proposal will involve the removal of two vacant industrial units on the western edge of the Builders yard employment site, and the erection of 5 x 3 bed, two storey dwellings with associated parking and landscaping.
- 5.4 Milton Under Wychwood has historically fallen under policy H6 of the WOLP 2011 which allows for new dwellings under the circumstances of infilling or 'rounding off' within the existing built up area on previously developed land. The proposal is therefore considered compliant with H6 although it is noted that the housing Policies of the WOLP 2011 are no longer considered up to date as the Council has not been able to demonstrate a 5 year supply of deliverable housing. As such housing applications within the District need to be considered within the

presumption in favour of sustainable development. Paragraph 14 of the NPPF states that where relevant policies are out of date, planning permission should be granted for sustainable development, providing it does not cause any adverse impacts that would significantly and demonstrably outweigh the benefits, when taking the policies within the framework as a whole. In light of the above and that the site is within the built up limits of the village, on previously developed land and within close distance to the amenities Milton has to offer, the redevelopment of the site for 5 houses is considered acceptable in principle.

- 5.5 As the proposal is only for 5 dwellings, applying emerging policy H3, there would be no contribution to affordable housing.

Loss of Employment Site

- 5.6 It is noted that the proposal would result in a loss of two light industrial units. Policy E6 of the WOLP 2011 resists the change of use of employment sites where possible unless the site is demonstrated as no longer viable, the premises are considered unsuitable on amenity grounds, or that substantial planning benefits would arise as a result of the change of use. As above, it is noted that these policies could now be considered out of date, considering the NPPF at paragraph 22 states where there is no reasonable prospect for the site being used for that (B1) use, applications for alternative uses of land or building should be treated on their merits with regard to market signals and the relative need for different land uses to support local communities. Paragraph 51 states that empty buildings should be brought back in to use and applications for a change of use to residential use should normally be approved where there is an identified need for additional housing in that area, providing there are not strong economic reasons why such development would be inappropriate. Your officers also note that with the most recent changes to the General Permitted Development Order, B1 units can now change to residential under a process of prior approval. It is considered there is a clear will from Government to ensure that redundant sites are put to a residential use providing there are no clear planning reasons why they should not.
- 5.7 Emerging policy E1 is similar to E6 in its aims but includes the potential change to community uses or where substantial community benefits would be achieved by allowing alternative forms of development. Given that the emerging plan is still draft and not yet at examination stage officers consider little weight can be attributed to this policy and that the potential 'fall back' of the Permitted Development rights should be considered material.
- 5.8 It is noted that the loss of these two units are regrettable and that the Alfred Groves site is a significant business centre for rural employment, however given that the buildings are redundant and coming to the end of any useful purpose, in applying a 'planning balance' the proposal is considered to provide an overall wider benefit with the addition of 5 smaller scale residential units in an area of housing need, and is therefore, on balance, acceptable.

Siting, Design and Form

- 5.9 The proposal is for a terrace of 3 no. three bed two storey dwellings on the south west corner of the site with the rear gardens backing on to The Square, with 2 no. three bed two storey semi-detached properties, north of the terrace with west facing rear gardens. Direct access will be maintained from the existing access from the Shipton Road, leading to the parking spaces primarily in front of each property with visitor spaces in the eastern corner of the site.

- 5.10 The dwellings are proposed in a fairly vernacular form with natural stone and slate materials which are considered appropriate to their setting and the immediate locale. The layout is considered logical and of a fairly low density, contained within the visibly 'residential' section of the Groves site. The proposal is therefore considered to be in accordance with policy.

Highways

- 5.11 Highway officers have been consulted on the application and have no objections to the scheme subject to conditions that the parking spaces are laid out prior to occupation and that SUDS methods are used to drain and lay the spaces. Two spaces per property are provided along with 4 visitor spaces which meets standards and should not lead to any unacceptable impact on the local highway network. On this basis the proposals are considered to be in accordance with policy.

Residential Amenities

- 5.12 The proposal is noted to affect the two adjacent properties, Poppy Row and Patience Cottage as the existing buildings are attached to them. The applicants have submitted a plan detailing how they intend to treat the boundaries between the properties and make good the external walls and fences/ retaining walls where necessary. These details indicate a mix of closed board fencing and/or walling in stone at varying heights to reflect the varying land levels. At the time of writing section drawings have been also been requested but not yet received. This will be reported in the late representations report.
- 5.13 Officers have sought amended plans to Plot 3 which removes the first floor rear bedroom window, due to the concern regarding potential overlooking in to the rear garden of Poppy Row. The amended plans now include a side facing window on the North West elevation instead of the rear, which will allow sufficient light and circulation for the potential occupiers, whilst still maintaining privacy and amenity for neighbouring properties. Plots 4 and 5 have a distance of 12m from the rear elevation to the boundary which is considered sufficient distance to not result in any harmful overlooking.
- 5.14 As the proposal will result in the rear wall of the existing buildings being moved away from the boundary of Poppy Row and Patience Cottage, the proposal is not going to result in any loss of light due to the properties benefiting from south facing gardens and as a result of the bulk of the built form being moved away from the boundary.
- 5.15 Officers note that the proposed dwellings would be in close proximity to the remaining active BI uses on the adjacent site which may result in occasional disturbance in terms of noise or disruption. However there are many existing properties nearby within similar distances to the proposed dwellings, indeed they will be set further away than the existing arrangement between the existing workshops and Poppy Row. In any event the uses on the adjacent site are light industrial in nature and are not considered to result in any anti- social smells, noises or operating hours, to the detriment of any residential amenity.

Conclusion

- 5.16 The proposal is considered to result in an appropriate and logical form of development, designed to take account of the local form and character of the area which will provide small scale housing on a brownfield site, in a sustainable area. It is considered the proposal will make a

positive use of a more neglected part of the site, which, on balance, is considered to improve both visual and neighbouring amenity. As such your officers consider the proposal is acceptable on its merits and should be approved in line with the conditions suggested.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 4 No development, including any works of demolition, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:
 - I The parking of vehicles for site operatives and visitors
 - II The loading and unloading of plant and materials
 - III The storage of plant and materials used in constructing the development
 - IV The erection and maintenance of security hoarding including decorative displays
 - V Wheel washing facilities
 - VI Measures to control the emission of dust and dirt during construction
 - VII A scheme for recycling/disposing of waste resulting from demolition and construction works.REASON: To safeguard the means to ensure that the character and appearance of the area, living conditions and road safety are in place before work starts.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Classes A, B, C, D, E, and G of Schedule 2, Part 1 and Classes A and C of Schedule 2, Part 2 shall be carried out other than that expressly authorised by this permission.
REASON: Control is needed to maintain the character and appearance of the buildings and the wider area and to protect neighbouring amenities.
- 6 No development shall take place until a desk study has been produced to assess the nature and extent of any contamination, whether or not it originates on site, the report must include a risk assessment of potential source pathway receptor linkages. If potential pollutant linkages have been identified a site investigation assessing the nature and extent of contamination will be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken

to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority

REASON: To ensure the means to prevent pollution and secure a safe environment for the development of and future occupiers of the site.

- 7 The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority a verification report confirming that all works were completed in accordance with the agreed details. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.
REASON: To ensure the means to prevent pollution and secure a safe environment for the development of and future occupiers of the site.
- 8 A full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Where appropriate the details shall include a management plan setting out the maintenance of the drainage asset. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with the Flood and Water Management Act 2010.
The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.
- 9 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.
- 10 The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.
REASON: To ensure a safe and adequate access.
- 11 No dwelling shall be occupied until the parking area and driveways have been surfaced and arrangements made for all surface water to be disposed of within the site curtilage in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure loose materials and surface water do not encroach onto the adjacent highway to the detriment of road safety.

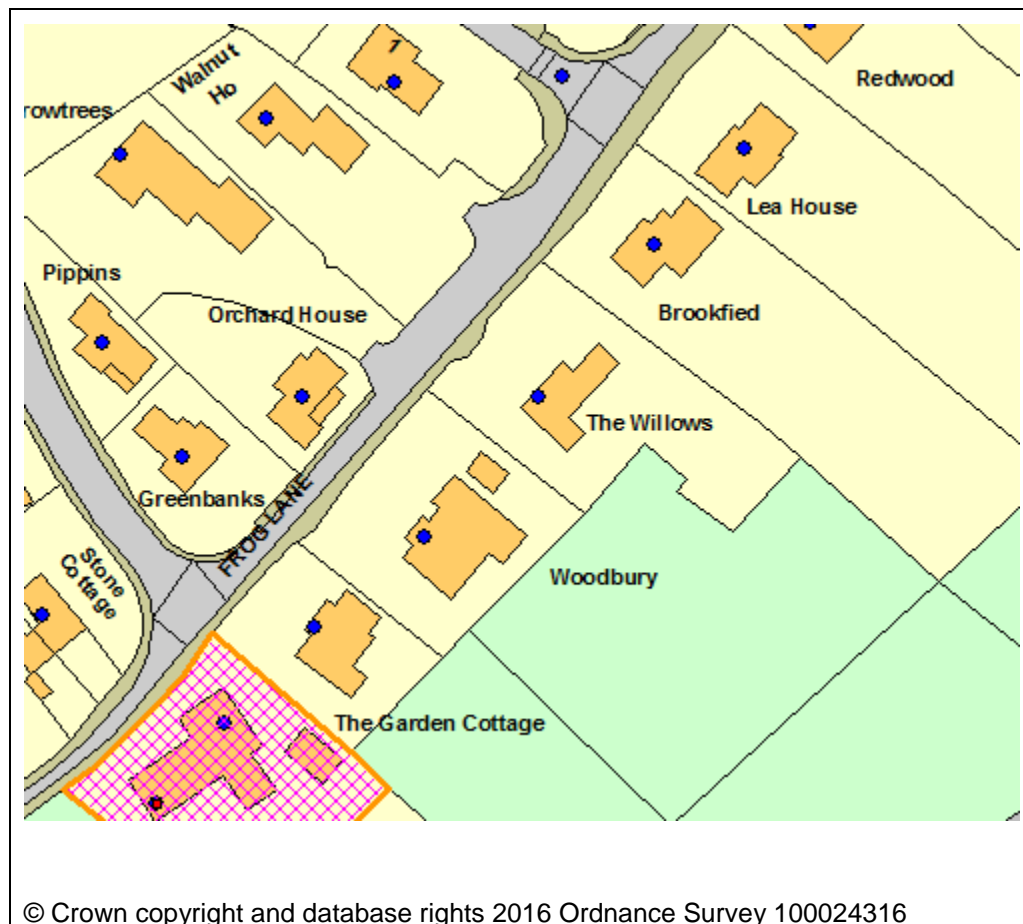
- 12 The recommendations and mitigation measures as set out in Section 7 the submitted Bat Survey Report by Lockhart Garratt dated August 2016, should be adhered to and implemented in full, prior to, and throughout the commencement of the development hereby permitted.
REASON: To safeguard and enhance biodiversity.
- 13 Bat and bird boxes shall be installed in accordance with details including phasing that have been submitted to and approved in writing by the Local Planning Authority before development commences.
REASON: To safeguard and enhance biodiversity.
- 14 No dwelling shall be occupied until a plan indicating the positions, design, materials, type and timing of provision of boundary treatment to be erected has been agreed in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details and retained thereafter.
REASON: To safeguard the character and appearance of the area.
- 15 That a scheme for the landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.
REASON: To ensure the safeguarding of the character and landscape of the area during and post development.

NOTES TO APPLICANT

Grant of planning permission does not override the personal property rights of neighbours, landowners and other interested parties.

Application Number	I6/03659/S73
Site Address	Fardon House Frog Lane Milton Under Wychwood Chipping Norton Oxfordshire OX7 6JZ
Date	23rd November 2016
Officer	Stephanie Eldridge
Officer Recommendations	Approve
Parish	Milton Under Wychwood Parish Council
Grid Reference	426762 E 217896 N
Committee Date	5th December 2016

Location Map



Application Details:

Variation of condition 2 of Planning Permission I4/I143/P/FP to allow the access to be altered.

Applicant Details:

Mr & Mrs Horner
Fardon House, Frog Lane
MILTON UNDER WYCHWOOD
OX7 6JZ

1 CONSULTATIONS

- 1.1 Parish Council No Comment Received.
- 1.2 OCC Highways No Comment Received.

2 REPRESENTATIONS

- 2.1 One letter of objection has been received from Mrs Anita Owen of Robinswood, Frog Lane as follows:

When the original plans were passed the access was to be on the extreme right of the property and the established beech hedge remains in place. The access has been moved to directly opposite my property and the beech hedge removed. Therefore, my privacy has been compromised and the occupants of Fardon House can now see right through my cottage downstairs and upstairs. The lane is extremely narrow and vehicles entering and exiting the property are encroaching on the verge of my next door neighbour - Mr M Walker.

3 APPLICANT'S CASE

The full range of supporting documentation can be viewed on the council's website.

4 PLANNING POLICIES

- 4.1 BE2 General Development Standards
BE3 Provision for Movement and Parking
OS2NEW Locating development in the right places
T2NEW Highway improvement schemes
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENTBackground Information

- 5.1 This application seeks to retrospectively vary condition 2 of planning application 14/1143/P/FP to allow the position of the approved access to be altered. The site is within the Cotswold AONB. The application has been referred to the planning sub-committee for a decision at the request of Councillor Haine.

Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 5.2 The principle and need for an access serving the property has already been established through application 14/1143/P/FP. The proposed new location of the access is considered to be suitable and form an appropriate relationship with neighbouring properties and the surrounding streetscene.

Highways

- 5.3 The highways authority has been consulted on the application but a response has not been received yet. The committee will be updated in the additional representations report if a response is received.

Residential Amenities

- 5.4 Officers have had regard to the objection comments raised by Mrs Owen in respect of the removal of the hedge impacting on the level of privacy enjoyed at the dwelling house known as Robinswood. However, the proposed new access is considered to form a standard relationship with the dwellings opposite. The relationship formed through the removal of the hedge is not considered to be unusual or to result in any adverse overlooking or loss of privacy. As such the application is considered acceptable on its planning merits.

Conclusion

- 5.5 Subject to no objections being raised by the highway authority the application is considered to be acceptable and compliant with policies BE2 and BE3 of the adopted West Oxfordshire Local Plan 2011, OS2 and T2 of the emerging West Oxfordshire Local Plan 2031 and relevant policies of the NPPF.

6 CONDITIONS

- 1 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 2 Other than the access way hereby approved, the existing hedge along the North West boundary of the land shall be retained at a height of not less than 1.4 metres and that any plants which die shall be replaced in the next planting season with others of a similar species and shall be retained.
REASON: To safeguard a feature that contributes to the character and landscape of the area.